The House met at 9 a.m.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Colorado (Mr. SMITH) for 1 minute.

LIBERAL BIAS IN THE MEDIA

Mr. SMITH of Texas. Mr. Speaker, several days ago President Bush observed that “a lot of times there’s opinion mixed in with news.”

The media generally present a liberal bias. For example, the three major television networks all carry more negative stories about President Bush than positive ones. Two of the country’s largest dailies, The New York Times and The Washington Post, have not endorsed a Republican for President since the 1990s. The few media organizations without a liberal slant do not have nearly as many viewers or readers. For instance, Fox News has less than 1 million viewers while the three network stations have 25 million.

In a democracy we cannot afford anything less than fair and accurate news coverage. The media should trust the American people with the facts, not tell them what to think.

WASHINGTON WASTE WATCH

The SPEAKER. Pursuant to the order of the House of January 7, 2003, the gentleman from Colorado (Mr. COBLE) is recognized during morning hour debates for 1 minute.

Mr. COBLE. Mr. Speaker, I and many of my Republican colleagues calling ourselves the Washington Waste Watchers are concerned about out-of-control spending by the Federal Government. Especially concerning to us is waste, fraud, and abuse that is far too prevalent here in Washington. Allow me to highlight but a few examples.

Duplication of programs wastes enormous human and financial resources. By government reports we know that there are 342 separate economic development programs, 130 programs serving the disabled, 72 separate Federal programs dedicated to assuring safe water, 50 homeless assistance programs, 12 food safety agencies, and 23 separate agencies providing aid to the former Soviet Union.

Yet, Mr. Speaker, if ever we propose to consolidate or eliminate duplicitious programs to save taxpayers money, we are called heartless and insensitive rather than fiscally responsible.

I call on my colleagues from both sides of the aisle to tone down the rhetoric of class warfare and pull together for the common good of the people who have entrusted us as their representatives in this great Chamber.

CUBS’ FAN SALUTES HIS NORTH CAROLINA CONSTITUENTS

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

Mr. COBLE. Mr. Speaker, I want to revisit the recently concluded American and National League Championship Series. I represent neither Boston, New York, Florida, nor Chicago; but I do have a direct interest in that two of the managers in the aforementioned series are my constituents in North Carolina. First, Manager Tony La Russa of the Chicago White Sox and The Washington Post, have not endorsed a Republican for President since the 1990s.

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WAXMAN AMENDMENT ON H.R. 3289

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

Mr. BROWN of Ohio. Mr. Speaker, the company from which Vice President Cheney, the sitting Vice President of the United States, the company from which he continues to draw $13,000 a month, Halliburton, is back in the headlines.

The latest example of impropriety from the Vice President’s company comes in the form of price-gouging gasoline in Iraq at the expense of American taxpayers. Halliburton is overcharging United States citizens, as reported in The New York Times, as reported in studies, to the tune of $250 million, money we are not spending on prescription drugs for seniors, money we are not spending on education, money we are not spending on highways. Halliburton is overcharging U.S. citizens $250 million, a ploy that independent experts have termed simply “highway robbery.”

Here is how their scheme works: Halliburton procures gasoline that they generally get from Kuwait, gasoline that can be bought in the Persian Gulf for 71 cents a gallon. It could be transported to Iraq for no more than 25 cents per gallon. It is brought to the United States, to New York Harbor, for under a dollar. So they buy it for 71 cents; they transport it to Iraq for 25 cents. That brings the total to 96 cents a gallon. Halliburton then adds on its profit margin 2 to 7 percent, bringing the price total to $1.03 a gallon. Yet Halliburton charges the Federal Government, the government where Dick Cheney is the Vice President, the government where the Vice President, Dick Cheney, used to work for Halliburton and still gets $13,000 a month from Halliburton. Halliburton charges our government, us taxpayers, between $1.62 and $1.72, an extra 60 or 70 cents per gallon, a profit margin of over 55 percent. That is the $250 million which independent experts have called highway robbery from Halliburton.

To add insult to injury, the American taxpayer subsidizes that cost when it is sold to the Iraqi people for between a nickel and 15 cents a gallon.

My constituents in northeast Ohio remember seeing gas prices skyrocket the afternoon of September 11, 2001, as some gas station owners sought to make profit from a national tragedy. It did not work for them when they tried that kind of war profiteering. Unfortunately, it is working for Halliburton, and my constituents are outraged that Halliburton is making money at our taxpayers’ expense ultimately from a national tragedy.

The Bush administration has asked for an additional $2 billion for the Iraqi oil sector. One billion of that would go to buying gasoline, cooking gas, kerosene, and diesel fuel for Iraq; and it costs about $4 million a day. Halliburton will continue to pocket outrageous, some might say corrupt, profits.

All taxpayers bear the burden of unbid contracts, of price hikes, of inadequate supplies for our troops in Iraq. We are spending $1 billion a week. In Iraq. That number will go up as Congress just appropriated last week $87 billion more for Iraq, as we had already appropriated $70 billion before that. We are spending $1 billion a week. A third of that money is going to private contractors. A lot of that money goes to Halliburton and Bechtel, companies close to the President. Companies which are major contributors to the President of the United States in those unbid contracts simply are not accountable.

At the same time, this administration has not been able to supply and to provide for our troops. Not enough safe drinking water for our troops. Too many of them have come down with dysentery. Not enough body armor, few Kevlar jackets for our troops. One quarter of them do not have body armor. The administration has said by December, even though they knew they were going to war a year ago, they would finally get the body armor to our troops. All of that against the backdrop of $1 billion a week, $300 million of that going to unbid contracts to companies like Halliburton. And, again, understand, Mr. Speaker, Halliburton is still paying $13,000 a month to the Vice President of the United States.

The private contractors seem to have all the money and supplies they want, but our troops do not. Something is wrong with this picture.

The gentleman from California (Mr. Waxman) offered an amendment to cure this gasoline gouging problem, this highway robbery problem where Halliburton has taken $250 million extra from U.S. taxpayers. I cannot understand how Members of this body can support Halliburton as it continues to gouge the U.S. taxpayers. In almost a party-line vote, this House of Representatives rejected the amendment that would have stopped the abuses from Halliburton from the Vice President’s company, that would have stopped this highway robbery.

The administration continues to give Halliburton a free hand to exploit American taxpayers for every last dime they could get. Halliburton should be ashamed. This Congress should be ashamed. The administration should be ashamed for that kind of ripoff of U.S. tax dollars especially in wartime.

RECESS

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

Accordingly (at 9 o’clock and 13 minutes a.m.), the House stood in recess until 10 a.m.
Mr. PITTS. Mr. Speaker, death by dehydration is a painful, agonizing, and arduous process that takes 10 to 14 days. In addition to feeling the pangs of hunger and thirst, the skin, lips, and tongue crack, the nose bleeds because of hunger and thirst, the skin, lips, and tongue crack, the nose bleeds because of hunger and thirst.

Mr. SMITH of New Jersey. Mr. Speaker, Terry Schiavo smiles, tries to talk to her family and friends, and moves her arms and legs on command. But at the direction of her husband, and against the will of the rest of the family, her feeding tube was removed last Wednesday.

This is what Terri is experiencing right now in this, the 7th day of her court-ordered dehydration and starving. Extreme thirst, nausea and vomiting may ensue because of the drying out of the stomach lining, and the victim may experience seizures.

Compared to starvation and dehydration, death by hanging, firing squad, or heaving and vomiting may ensue because of the drying out of the stomach lining, and the victim may experience seizures.

To the people who oppose the death penalty, even the electric chair seems humane. But right now that death sentence is on one of the most disabled in our midst.

Terri Schiavo is not on a respirator or any artificial life-support equipment. Any reasonable person who sees this woman reacting to her parents, will realize she is not in a coma or, as is sometimes called, a persistent vegetative state.

Have we, as a Nation, become so callous that we have bought into the “quality of life” argument that some people simply are not worth the effort to protect and rehabilitate? I hope not.

SUPPORT BILL TO ELIMINATE TAX SHELTERS

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

Mr. EMANUEL. Mr. Speaker, I rise to commend the members of the other Chamber for bipartisan legislation to shut down abusive accounting tax shelters costing U.S. taxpayers over $18 billion every year and leaving middle-class Americans to pick up the tab.

Fairness and economic growth should be synonymous with the tax code. That is why I will introduce companion legislation to eliminate the way firms market tax shelters to their audit clients. This bill will eliminate tax shelters created by the accounting firms that sell tax shelters directly to publicly traded companies whose books they regularly audit. As today’s hearing on tax shelters in the other body will show, this process makes a mockery of auditor independence and creates irreconcilable conflicts of interest for auditors.

Mr. Speaker, the economic principle of transparency and the American value of accountability are essential to economic growth. These abusive accounting schemes do neither, burdening the middle class and slowing down our economic recovery. I am proud to support this real reform to get real results.

PLEDGE OF ALLEGIANCE: PUBLIC ACKNOWLEDGMENT OF GOD IS AN OLD AMERICAN TRADITION

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

Mr. BARLETT of Maryland. Mr. Speaker, a steady assault on public religious expression undermines Americans’ constitutional right to worship.

The Supreme Court announced it will hear a case alleging the phrase “under God” in the Pledge of Allegiance establishes a religion. Not at all. Acknowledging the Creator, in public, is an American tradition, not a religion. The Declaration of Independence declares that all men were given rights to life, liberty, and the pursuit of happiness by their Creator. The Declaration ends with “A firm reliance upon the protection of Divine Providence.”

Abraham Lincoln at Gettysburg expressed his fervent hope that “This Nation under God shall have a new birth of freedom.”

Mr. Speaker, the question before the Supreme Court is whether America’s tradition of free expression of religion will continue or be further undermined by a new creed of restrictions on religious expression. I echo Benjamin Franklin, who requested that prayer begin the Constitutional Convention, and every session of Congress since then, because, as he acknowledged, “God governs in the affairs of men.”

GOD IS ON OUR SIDE

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

Mr. PENCE. Mr. Speaker, last week Army Lieutenant General William Boyken was embroiled in controversy over his suggestion that in our struggle against the regime of Saddam Hussein, that God was on our side. One commentator on the Fox News Network said, and I am quoting now, “That it is ‘folly’ to argue that God takes sides on battlefields.” It may be wise to ask ourselves, but as President Lincoln famously said, it is more relevant to ask whether we are on God’s side, rather than whether God is on ours.”
But to the General’s point, that in our struggle against the tyranny of the murderous regime of Saddam Hussein, I say the General was right. It is written that “Where the spirit of the Lord is, there is liberty.” And, therefore, in the struggle against tyranny, all of its forms, Mr. Speaker, God is not neutral in this cause in the struggle between freedom and tyranny, between dictatorship and human dignity. Let it be said that in this Congress, God is on our side. And may it ever be so.

PRIME MINISTER MUHAMMAD MAHATHIR OF MALAYSIA SHOULD NOT BE WELCOME IN THE U.S.

(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, there comes a time when international diplomacy when we set aside diplomatic language and speak the truth from the heart.

Last week, Malaysia’s Prime Minister Muhammad Mahathir took the coward’s way out to blame his misrule on the Jews. He said, and I quote, “The Europeans killed 6 million Jews out of 12 million, but today the Jews rule this world by proxy. They get others to fight and die for them. They survived 2,000 years of pogroms not by hitting back but by thinking. They invented and promoted the rights and democracy so that persecuting them would appear to be wrong, so that they may enjoy equal rights with others.”

Mr. Speaker, the Prime Minister of Malaysia is an anti-Semite, a racist, and a bigot. He should not be welcome again in the United States. By following the path of Hitler and Stalin, the international community should work against Malaysian exports until this prime minister steps down.

COALITION REVITALIZING EDUCATION OF IRAQ’S CHILDREN

(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. Mr. Speaker, I am proud to announce that after visiting Iraq, I saw that after a decade of nefundness, the children of Iraq are benefitting from their Coalition Provisional Authority and the United States Agency for International Development’s revitalization of the country’s education system.

Under Saddam Hussein and the Ba’ath Socialist Party’s rule, schools fell into disrepair and teaching materials were scarce, distorted as propaganda, and outdated. Today, after the American military’s success in Operation Iraqi Freedom, schools are being renovated. Textbooks have been rewritten, updated and distributed, and teachers and principals are being introduced to the most current standards of education.

As an example of the real difference we are making in children’s lives, I have here a sample of the bookbags that we have given out. It includes essential items for education, pens, pencils, calculators, and notebooks without propaganda. 15 million of these student kits will be given out during the school year.

We are making meaningful progress in the war on terror and making a real difference in the quality of life for Iraqis and their children in order to protect the American people.

In conclusion, God bless our troops.

FOUR OUTSTANDING SENIORS FROM PLANO INDEPENDENT SCHOOL DISTRICT

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

Mr. JOHNSON. Mr. Speaker, Texas is home to great schools, great teachers, and great students, and today I want to highlight four outstanding seniors from the Plano Independent School District who made perfect scores on their college entrance exams; four of them.

Greg Bussell of Plano East, Jennifer Wu of Plano West, and Brian Young of Plano Senior High all scored 1600 on their SATs, while Jeffrey Lin of Plano West received a 36, the highest possible on the ACT.

In addition to smarts and savvy, they all shine outside the classroom. Both Jennifer and Jeffrey play in the orchestra, Greg stars in a school play, and Brian is on the school’s academic decathlon team.

These students are shining examples of the best and brightest in Texas and America, and they deserve a Lone Star-size applause. I want to congratulate them and tell them that we are proud of them.

CONSERVATIVES NOT WELCOME ON COLLEGE CAMPUSES

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

Mr. DUNCAN. Mr. Speaker, in last Friday’s New York Times, columnist Thomas Friedman quoted some advice from The Atlantic Monthly magazine, the place where there is the least diversity today is on college campuses. Conservatives simply are not welcome, except for a few tokens in some places. As Mr. Brooks wrote, “No group of people sings the diversity anthem more frequently than administrators at our elite universities, but elite universities are amazingly undiverse in their values, politics, and mores. Professors, in particular, are drawn from a narrow segment of the population.” Mr. Brooks pointed out that conservative students and professors may be one of the groups most discriminated in this country today.

Mr. Speaker, I hope our elite universities will strive for true diversity and freedom and include at least a few conservatives to teach in their classrooms and speak on their campuses.

REMEMBERING GOVERNOR PRESTON SMITH

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I rise today to pay tribute and salute one of our fallen heroes in Texas, Governor Preston Smith, who lived a life of service from the 1940s into the 1950s when he served the State as Governor. I want to emphasize his commitment to education, as we battle in this House on the issue of Leave No Child Behind, as we find out that many of our educational leaders across the Nation are looking to us to give them and to provide them with a partnership to educate the Nation’s children. I believe that his work in education helped the State of Texas reach its mission, or attempt to reach its mission, of lifting all boats.

One of the issues that he championed was the idea of teacher compensation and to ensure that the teachers in our classrooms were paid a respectable salary so that they in fact could teach our children.

He loved the State and he served in the State senate. He was certainly someone who this State will miss because he loved us all. We say to his family our deepest sympathy; but more importantly, we are gratified for the opportunity he had to serve. And when he served, he promoted the people who needed him most, and those are the people whose voices could not be heard.

Mr. Speaker, we thank him for his service and know that his spirit will remain because he was truly a tall Texan, as he worked for all of us during the time he served the State of Texas; and we know that he will be considered a great Texan and a great American.

THREAT OF SADDAM HUSSEIN ELIMINATED

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

Mr. STEARNS. Mr. Speaker, we have heard much in the press regarding weapons of mass destruction and the former Iraqi regime. I think it is important to note that both the Clinton
and Bush administrations realized the powerful capacity for terror that Saddam Hussein openly wielded.

In 1998, President Clinton said, “If Saddam rejects peace and we have to use force, our purpose is clear. We want to stop and diminish the threat posed by Iraq’s weapons of mass destruction program.” In this statement, it is clear that the Clinton administration acknowledged weapons of mass destruction and was prepared to end Saddam Hussein’s control of them. Even former Secretary of State Madeleine Albright admitted an Iraq capable of using “nuclear, chemical or biological weapons against us or our allies is the greatest security threat we face.” The threat of Saddam Hussein has been clear for decades. Finally, that threat has been eliminated.

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

Mr. McDermott. Mr. Speaker, some of these later speakers have talked about religious bigotry, and I think one of the things that if we care about what is going on in Iraq, they will stop the Arab bashing. The President was smart enough when he used the word “crusade” to realize that was a serious mistake because it raises issues from thousands of years ago.

On the one hand I agree with condemning Prime Minister Mahathir of Malaysia for his anti-Semitic remarks, but one has to use the same standard on the general who starts talking about “our God.” In Ireland, where my family came from, God was on both sides. I do not know if the Catholics had him or the Protestants had him. Who is right?

When Members inject that into this debate, they simply inflame those people in the Shiite community and the Sunni community who see us as occupiers and destroyers of their religion. That means more people attack our people. That creates al Qaeda volunteers. Those are the people shooting our troops. Stop it.

HONORING FORMER GOVERNOR PRESTON SMITH
(Mr. Neugebauer asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Neugebauer. Mr. Speaker, I rise today to remember a great American. He is a great man in Texas politics. Former Governor Preston Smith passed away Saturday at the age of 91. His impact on the State of Texas, especially in the area of education, is immeasurable. One of his many focuses during his years in politics was opening educational opportunities for Texans. He was responsible for opening more colleges and universities than any other Governor in our State. Known as the people’s Governor, it was not surprising to call his office and have him answer his own phone.

Just a few of his accomplishments during his tenure include the creation of four new State schools, a new University of Texas Medical School in Houston, the Texas Tech Medical School in Lubbock, Texas, the University of Texas dental branch and a nurses training school in San Antonio, a new undergraduate nursing school in El Paso, and an expansion of the University of Texas medical branch at Galveston.

Governor Smith was married 63 years to his loving wife, Ima, also a Texas Tech graduate, who died in 1998. A kind, caring soul, as her health declined, the Governor would walk into her bedroom each morning with a fresh-cut flower and a note.

Thousands of Tech students each day walk past a 9-foot bronze statue of Smith that stands in front of the administration building. He will continue to watch over Texas and Texas Tech for years to come. Texas, West Texas, and Odessa owe their entire existence because of the distinguished service of Governor Preston Smith.

MORATORIUM ON DEHYDRATION CASES IN FLORIDA
(Mr. Weldon of Florida and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Weldon. Mr. Speaker, Terry Schiavo had her feeding tubes removed last Wednesday, and she may needlessly die today. Last night, I spoke with Governor Jeb Bush about Terry, and he assured me that he and the Florida legislature are moving expeditiously to give him the powers to intervene to save her life and fulfill the wishes of Terry’s parents. Terry’s parents are in a last-minute battle to save her.

Governor Bush and the Florida legislature are taking the necessary steps. Three years ago, the circuit court ordered Terry’s feeding tubes to be withdrawn; and despite the objections of Terry’s parents and request to take custody and care for her, all court cases have failed. Terry is not unconscious. Terry is not on life support. She is not dying of an underlying disease, and she is responsive to human interaction.

This is a grave injustice. Yesterday, Governor Bush called for a special session to pass a moratorium on all dehydration cases in Florida. The Florida House passed this bill with Governor Bush’s support, and the Florida Senate will take it up today. Support the legislature and support Governor Bush in this effort to save this young lady’s life.

PROVIDING FOR CONSIDERATION OF H.J. RES. 73, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. Linder. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 407 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 407
Resolved, That upon the adoption of this resolution it shall be in order without intervening motions except: (1) one hour of debate on the joint resolution in the House; (2) one motion to reconsider.

The SPEAKER pro tempore (Mr. Bass). The gentleman from Georgia (Mr. Linder) is recognized for 1 hour.

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

Linder asked and was given permission to revise and extend his remarks.

Mr. Linder. Mr. Speaker, H. Res. 407 is a closed rule providing for the consideration of H.J. Res. 73, which is a continuing resolution that makes further appropriations for fiscal year 2004. The rule provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution, and provides for one motion to recommit.

Mr. Speaker, this joint resolution provides an additional week of funding for government agencies because the fiscal year 2004 appropriations bills have not yet been enacted into law. Specifically, this resolution extends until November 7, 2003, the provisions of the previous continuing appropriations resolution that were to expire on October 31, 2003. In addition, this resolution conjoins the six fiscal year 2004 appropriations bills that have passed the House, but have not yet been considered by the other body.

Mr. Speaker, we are approaching the completion of the first session of this 108th Congress, and I urge my colleagues to join me in supporting this rule so we may proceed to the consideration of the underlying continuing appropriations resolution. Without the resolution, each of the appropriations bills is. It is clear that there are issues left to resolve in the other body that will require additional time to complete the

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work on the remaining appropriations bills. I am hopeful that the continuing resolution covered by this rule will give us the time we need to complete the appropriations process in a thoughtful and orderly manner.

I urge my colleagues to support it so we may proceed with general debate and consideration of the joint resolution. The House hopes to complete the appropriations process as soon as possible, and this resolution provides the time to resolve the issues that remain outstanding.

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

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

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

Mr. FROST. Mr. Speaker, the new deficit numbers came out yesterday, and they confirm what we already know: this Republican government has given America the biggest government deficit in our history, nearly $400 billion in fiscal year 2003, the year just concluded, plus an additional $500 billion in fiscal year 2004, the year we just started, according to the Bush administration.

Mark my words, these Republican deficits will end up raising taxes, and worse, robbing our children's tax accounts. The Republican leaders are going to do everything in their power to hide their abominable record of fiscal mismanagement.

Just listen to the Bush administration's Treasury Secretary in today's New York Times. He predicts that this jobless recovery will somehow magically add 2 million new jobs before next year's elections. He is saying this economy, which has lost nearly 3 million jobs since President Bush took office, the same economy that Herbert Hoover and the Great Depression, is now going to create 200,000 new jobs a month. Perhaps the Bush administration still believes in Santa Claus, and perhaps they really believe that 2 million jobs will magically appear under the election Christmas tree next year, but the American people know a snow job when they see one. And make no mistake, they are seeing one today on the House floor.

Mr. Speaker, this so-called continuing resolution is a procedural shell game to hide Republican mismanagement of the government. This is not trick or treat, Mr. Speaker, just tricks. This entire process today makes clear that there is a new children's game that refuses to do its job, at the same time that too many hard-working Americans are still suffering from the Republican recession. While millions cannot find any jobs, Republicans refuse to do the job that they have and that taxpayers pay them to do.

As my Republican friend on the Committee on Rules, the gentleman from Florida (Mr. Goss), once said about another continuing resolution, "Congress is failing to fulfill its obligations in a timely and responsible way, choosing to fail back on one CR after another instead of putting in the time to do our jobs. Or as he said another time, "a continuing resolution erodes the credibility of the Congress."

After misleading the American people for too long, is this the new Republican Congress nor this Republican administration has much credibility to erode anymore. And as for "putting in the time to do our jobs," this Republican Congress hardly even bothers to show up for work anymore. This House has not put in a full week's worth of work in months. And this week we are not even going to be here for 24 hours. It has gotten so bad that this resolution is the only so-called substantive legislation before the House this week, and everyone knows that it will not actually do anything. It is just a procedural shell which they will use to hide from the taxpayers the massive omnibus spending bill that they are going to sneak through this House later this year. And make no mistake, this resolution comes back to the House in its massive and bloated form, you will not even recognize it.

My friends in the majority will tell you that the House did its work. They will tell you that if they did not do it today, it would not be done. We on this side have tried to force a vote on a continuing resolution that provided us in the spring of 1993 with the $200 billion surge that saved the economy then. Republicans refuse to do that now.

Mr. Speaker, this is not a government of the people, by the people and for the people. It is a government of the Republican Party, by the Republican Party and for the Republican Party. And if the Republican Party wants this Republican government to raise the debt tax on Americans, while at the same time shortchanging education and veterans on the one hand then they should at least have the courage to be honest with the public about it.

So I urge my colleagues to oppose this rule. Do not help the Republican leaders keep Americans in the dark this year.

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

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the gentleman for yielding me this time.

Mr. Speaker, let me share with my colleagues my initial thoughts as I was beginning to read the continuing resolution that was on the floor of the House. I read it with disbelief. I was reading and thought maybe that there had been a misprint. And so I come to oppose this rule, because I happen to come from the school of thought that the House and this body, this Congress, has to do work on behalf of the American people.

I join in acknowledging that we are now facing the largest deficit that we have had in the last decade, or at least last 5 years since we were able to undermine that deficit in 1993 with House Democrats, not one single Republican vote, on that budget resolution that provided us in the spring of
2001 with a $5.3 trillion projected surplus over the next 10 years. That, of course, has gone to heck in a handbasket because we do not have that surplus anymore. What we have is the $400 billion deficit of 2003 and now projected $500 billion deficit in 2004. But what we also have is the $87 billion supplemental that is still sitting on the table and we have no way of paying for it. This resolution wants us to put in place, as standing bills, five House bills without any consultation with the other side of the aisle. How do we know, for example, that we have put in more money for NASA safety dollars after the Columbia 7 tragedy? Have we put any money for food security in the foreign operations bill when we have given millions of dollars to the countries that are facing famine like Ethiopia to feed them, but we have given no money to provide them with the opportunity for irrigation and food science, agricultural science, so they can learn to feed themselves, as opposed to giving them only moneys to help feed them during this famine? Do we have any hope for a good Medicare bill that is now in conference? Is there any debate on that where they raise the cost of Medicare for our seniors and leaving many seniors aside? Is our appropriations process going to be able to address the question of how we fund Medicare? None of that is taken into account in this continuing resolution. It is by and by itself. If you will, a blind-sided effort to come to this floor and blindside us with smoke and mirrors by telling us to vote for a continuing resolution that will not work. And then for them to say that we are going to make these bills, Commerce-Justice, Foreign Ops, VA-HUD, the bills that we will ultimately pass is ludicrous, is outrageous, they know it will never happen. And then the real question is, how are we going to pay for all of this? I would like to urge my colleagues to vote against this rule and vote against this continuing resolution.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. McGovern), a member of the Committee on Rules.

Mr. McGOVERN. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, every year this House has a continuing resolution to pass the 13 appropriations bills that fund the activities of the Federal Government. Once the House passes those bills, the United States Senate is supposed to pass them. After that, the House and the Senate get together in a conference committee to resolve the differences between the two versions. Those final bills are passed and then sent to the President for his signature. This is all supposed to happen before the fiscal year ends on September 30. It is important to review this material from the perspective of a ninth grade civics class because the Republican leadership seems to have forgotten it. Despite the fact that they control the House, they control the Senate, they even control the courts, they cannot seem to get their act together and do the people’s work. So we are forced once again to pass a continuing resolution.

It used to be that the Republicans blamed President Clinton for all the delays in legislation. They really got good at blaming him for everything. In fact, I think they kind of miss him. I know I do because the economy was so good and the budget was in surplus. Now, the economy under their leadership is lousy, and we have record deficits. In fact, we have the largest deficit in the history of the United States of America. Then the Republicans used to blame the Democratic Senate for everything. That excuse is gone now, too. We are here for one simple reason. The majority of this House has failed. They did not do their job. They do not want to do their job. And the American people deserve to know that. And what is really amazing is that the House is in session for a day and a half this week. It is Tuesday and this is the last day of business scheduled for the week. I am not sure about other parts of the country, Mr. Speaker, but in Massachusetts, a workweek is generally 5 days and sometimes it is longer, given that in this economy, people have to work long hours. People do not want to be blindsided by telling that ifight that they will not have money to help firefighters or steelworkers or teachers or accountants in my district and they could skip work on Wednesday, Thursday, and Friday.

The American people deserve a Congress that functions, that does the job given to it by the Constitution and they are not getting it. We all know what is going to happen in the next few weeks. We are going to see some huge, omnibus bill that a few people in a back room have worked our our pizza and cigars and be told that it is a fait accompli, take it or leave it, all because the leadership cannot or will not do their jobs. They did not do their job. They do not want to do their job on the Iraq supplemental because we were not allowed to debate and vote on amendments, amendments that would have paid for the package, as opposed to adding $87 billion to the national credit card burdening our children and our grandchildren with debt.

This committee represents failure and not progress. But failure, Mr. Speaker, has become business as usual around here. Mr. Speaker, we are supposed to be a deliberative body. We are supposed to debate issues. We are supposed to amend bills to make them better to represent the concerns of our constituents. Unfortunately, Mr. Speaker, we have a leadership in this House that does not believe in democracy, that does not believe in open debate, that does not believe in the deliberative process. We have a Committee on Rules that kind of acts like the State of California. It does not believe in debate. The fact of the matter is under the Constitution, this is supposed to be a deliberative body. We should debate issues regarding education, regarding unemployment, regarding the economy, regarding health care, regarding things that matter to our constituents each and every day. Yet under this process, this is just kind of kicking the ball down the field and we are told we are going to put this off for another day. And when we put it off, it is going to come back to us in a huge package and no one is going to know what is in it.

This process is broken. The American people need to understand that the Republican leadership in this House is not doing its job. The Republicans wanted power. It appears they wanted power just for the sake of power. The fact of the matter is they cannot even get along with each other. This is a disgrace that we are at this moment. I would urge my colleagues to vote “no” on the rule.
are some occasions where the issues are so tight that you can use a little help across the aisle.

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

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

Mr. HOYER. Mr. Speaker, I thank the ranking member of the Committee on Rules for yielding me this time.

Mr. Speaker, we are all going to vote for this CR; but I think as we consider it, it is appropriate for us to reflect on the allegations of mismanagement that were made over the years about how the Democrats ran this House, to reflect on that and relate it to present performance and look at how well the appropriations process has been managed since the Republicans took over in 1995. I want to look at the facts here. It is now October 21, 21 days since the start of the fiscal year, 2004, and this Congress has passed and President Bush has signed only three of the 13 annual spending bills into law: defense, homeland security, and a legislative branch appropriation bill. The Members will notice in addition that the military construction bill, one of the least controversial bills considered by this House every single year, is still in court. And in conference, although I would observe it is getting late in the session maybe the distinction of being the only real conference that we have had in some period of time. If that is not indicative of this Congress's mismanagement, then I am not sure what is.

The fact of the matter is since the majority party regained the House majority, this Congress has had to pass an omnibus appropriation bill in 7 out of 9 years. That is right. In only 2 years since consideration of the fiscal 1996 spending bill did this Congress pass stand-alone legislation for all 13 appropriation bills. By comparison, and I hope everybody on my side of the aisle will note this, and the other side of the aisle, of course, will discount it and not believe it, after the omnibus appropriation in fiscal year 1994, that is 1993, and fiscal year 1995, that is 1994, when we had a Democratic President, Bill Clinton, and a Democratic Congress, we passed every single spending bill as a stand-alone piece of legislation, every one, which meant that we could fully debate and not hide anything in those bills.

Mr. Speaker, the Members of our side of the aisle can hardly wait to hear what excuse is now being offered by our colleagues for their failure to complete the appropriation work on time. It is going to be tough to blame poor Senator DASCHLE who was the scapegoat last year when not only did we not pass the fiscal year in the year in which we were supposed to, we had to go to the next year and did not pass most appropriation bills until January 1, 1995. The SPEAKER pro tempore. Previous question on the resolution.

The question is on the resolution. The question is on the resolution.

The question was taken; and the SPEAKER pro tempore announced that the ayes appeared to have it. Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present. The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 189, not voting 26, as follows:

[Roll No. 566]

YEAS—219

Aderholt
Akin
Baca
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bean (TX)
Bass
Beauzreux
Bester
Biggert
Billikakis
Culberson (TX)
Blackburn
Blunt
Brown
Boehner
Bone
Bono
Boozman
Boyce
Bradley (NH)
Brady (TX)
Brady (SC)
Brown-Waite, Ginny
Brown-Waite, Mrs.
Burns
Burr
Calvert
Cassidy
Chabot
Chocola
Cole
Collins
Cooper
Cox
Cullen
Cutts
Crenshaw
Cubin
Culver (IN)
Cunningham
Davis, Joe Ann
Davis, Tom
Deal (GA)
De Lauro
Denton
Diaz-Balart, L.
Diaz-Balart, M.
Dole
Doolittle
Dreier
Duncan
Duncan
Durbin
Ehlers
Emerson
English
Everett
Feeney
Fender
Ferguson
Flake
Foley
Forbes
Forcht
Frankel
Franken (AZ)
Frelinghuysen
Garrett (IN)
Gerlach
Gibbons
Gilchrest
Gingrey
Gosar
Granger
Graves
Green
Green
Greenwood
Gutknecht
Harris
Hefley
Hensarling
Hefley
Heller
Hefley
Heller
Hensarling
Herser
Herser
Herser
Hobson
Hobson
Hokestra
Hostettler
Hulshof
Hulshof
Huyser
Hunt
Hunt
Sec. 3. Section 8091(b) of the Department of Agriculture, Rural Development, Food and Nutrition Service, and Related Agencies Appropriations Act, 2004 (Public Law 108–447, as amended by Public Law 108–84), as amended by Public Law 108–248, as amended by Public Law 108–188, is hereby amended by striking the date specified in section 103(c) and inserting “November 7, 2003”. Sec. 4. The provisions of the following bills of the 108th Congress are hereby enacted into law: (1) Agriculture, Rural Development, Food and Drug Administration, and Related Agencies—H.R. 2673, as passed by the House of Representatives on July 30, 2003; (2) Commerce, Justice, and State, the Judiciary, and Related Agencies—H.R. 2799, as passed by the House of Representatives on July 24, 2003; (3) District of Columbia—H.R. 2765, as passed by the House of Representatives on September 9, 2003; (4) Foreign Operations, Export Financing, and Related Programs—H.R. 2800, as passed by the House of Representatives on July 24, 2003; (5) Transportation, Treasury, and Independent Agencies—H.R. 2869, as passed by the House of Representatives on September 9, 2003; (6) Veterans Affairs and Housing and Urban Development, and Independent Agencies—H.R. 2806, as passed by the House of Representatives on July 25, 2003.

The SPEAKER pro tempore. Pursuant to House Resolution 407, the gentleman from Florida (Mr. Young) and the gentleman from Wisconsin (Mr. Obey) each will control 30 minutes.

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

Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.

Mr. YOUNG of Florida, as you know, the current CR expires on October 31, 2003. This bill will extend the CR through November 7, 2003, but more importantly it will provide a vehicle to address the remaining six appropriations bills that have been passed by the House but that have not been passed by the Senate as of today.

These bills are the following: the Agriculture appropriations bill; the Commerce, Justice, and State, the Judiciary, and Related Agencies appropriations bill; the appropriations bill for the District of Columbia; the Foreign Operations appropriations bill; the Transportation and Treasury appropriations bill, and the VA, Housing and Urban Development appropriations bill.

Section 4 of this CR, H.R. 73, will consolidate these six bills for the purpose of finishing the remaining appropriations bills. As you are aware, the House has passed all 13 regular appropriations bills and last week passed a supplemental appropriations bill for fiscal year 2004.

Three very important bills have already been signed into law, the Defense appropriations bill, the Homeland Security appropriations bill, and the Legislative Branch appropriations bill, which was also the vehicle for a supplemental appropriations bill for natural disasters and forest fires. We continue to move forward with concerns with the other body on four bills that they have passed. We hope to have the conference reports for Energy and Water, Military Construction, Interior, and Labor and Health and Human Services ready for House consideration as early as next week.

Mr. Speaker, I believe the CR itself is noncontroversial. I urge the House to—
move this legislation through the Senate so the government can continue to operate smoothly and efficiently so that we can come closer to finishing our regular appropriations bills.

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

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

Mr. Speaker, I think Members need to understand where this CR fits in the scheme of things. As the chairman of the Appropriations Committee, the gentleman from Florida (Mr. Young), has indicated, this continuing resolution when it moves to the Senate will become the vehicle by which the committee deals with the omnibus appropriations bills or the bills that will be included in the omnibus bill.

That will mean that the real CR will have to be brought up next week. And at that time we will see a continuing resolution that keeps the government open to a date somewhere between November 15 and Thanksgiving, I presume. I sincerely hope that by Thanksgiving there will be no need for additional CRs, but I am very skeptical that that will be the case. I am afraid that it is beginning to look a lot like Christmas. I hope that that is not true, but I suspect it may be.

So having already said everything that needs to be said on the CR, I am prepared to yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. Obey) and the committee for all of the support and the cooperation that we have had. As I have said numerous times on the floor, with the cooperation of the gentleman from Wisconsin (Mr. Obey) we have managed all of our bills well on time to have concluded by the end of the year. But we are only one House of the Congress.

We will work with our partners in the Senate to conclude this business of appropriations as early as we possibly can.

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

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

Mr. Speaker, I simply want to observe, as I think the gentleman from Maryland (Mr. Hoyer) indicated this morning, that last year when we had so many appropriation bills not passed until the next session of Congress, the cry we frequently heard on the majority side of the aisle was that “The Senate made me do it.” And they were all too eager to blame the Senate for the fact that most appropriation bills had gone nowhere.

As the saying goes, this year they do not have Senator Daschle to kick around anymore with the Democrats being in the minority. And so I think it will be interesting to see whether or not the majority sooner or later can either end its debate with itself or else on several of these bills reach across the aisle and try to work out a more bipartisan solution.

I know the gentleman from Florida (Mr. Young) has certainly tried, and I believe I have tried; but sometimes things are settled at a level above our pay grade. That is the way life is, and that is the way this institution is.

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

Mr. YOUNG of Florida. Mr. Speaker, I urge that we pass this CR and get the process moving, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered read for amendment, and pursuant to House Resolution 407 the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to the CR, and the Chair directs that we record the vote on the question of engrossment.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair is directed to the Clerk to record the following vote on the previous question:

Resolved, That the joint resolution be engrossed and a third reading granted.

Pursuant to section 705 (20 U.S.C. 1134d) is amended by adding at the end the following new section: “In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.”

SEC. 1. SHORT TITLE; REFERENCES.

(a) INTERRUPTIONS OF STUDY.—Section 701(c) (20 U.S.C. 1134c(c)) is amended by adding at the end the following new section: “In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.”

(b) ALLOCATION OF FELLOWSHIPS.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting “from diverse geographic regions” after “higher education”;

and

(2) by adding at the end the following new subsection:

(2) by adding at the end the following new subsection:

“and an assessment...”;

and

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

“(A) The Secretary shall...”;

and

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 705 (20 U.S.C. 1134d) is amended by striking “1999–2000” and inserting “2004–2005”;

and

(b) by striking “shall be set” and inserting “may be set”;

and

(c) by striking “Foundation graduate fellowships” and inserting “Foundation Graduate Research Fellowship Program”; and

and

(2) in subsection (b), by amending paragraph (1)(A) to read as follows:

“(A) The Secretary shall...”;

and

(d) in subsection (c)(2) by inserting “fiscal year 1999 and such sums as may be necessary for each of the...”;

and

(e) by amending subsection (b) by striking “fiscal year 1999 and such sums as may be necessary for each of the...”.

SEC. 4. GRADUATE FELLOWSHIP PROGRAM.

(a) Designation of Areas of National Need; Priority.—Section 712 (20 U.S.C. 1135a) is amended—

(1) in the last sentence of subsection (b)—

(A) by striking “an assessment” and inserting “and an assessment”;

and

(B) by striking “and” and inserting “and an assessment”;

and

(2) by adding at the end the following new subsection:

(1) by striking “an assessment” and inserting “and an assessment”;

and

(b) by striking “and” and inserting “and an assessment”;

and

(2) by adding at the end the following new subsection:
“(c) PRIORITY. — The Secretary shall establish a priority for grants in order to prepare individuals for the professoriate who will train highly-qualified elementary and secondary school teachers of math, science, and special education, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance for the following:”

“(1) post-baccalaureate study related to teacher preparation and pedagogy in math and science for students who have completed a major in a field pursuing a doctorate of philosophy in math and science;

“(2) post-baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition;

“(3) support of dissertation research in the fields of math, science, special education, or second language pedagogy and second language acquisition.”

“(b) COLLABORATION REQUIRED FOR CERTAIN APPLICATIONS. — Section 713(b) (20 U.S.C. 1135b) is amended—

“(1) by striking “and” at the end of paragraph (9);

“(2) by redesigning paragraph (10) as paragraph (11); and

“(3) by inserting after paragraph (9) the following new paragraph:

“(10) the application for a grant by a department, program, or unit in education or teacher preparation, contain assurances that such department, program, or unit collaborates with departments, programs, or units in all content areas to assure a successful combination of training in both teaching and such content; and”.

“(c) FUNDING REQUIREMENTS. — Section 714(b) (20 U.S.C. 1135c(b)) is amended—

“(1) by striking “1999-2000” and inserting “2004-2005”;

“(2) by striking “shall be set” and inserting “may be set”;

“(3) by striking “Foundation graduate fellowships” and inserting “Foundation Graduate Research Fellowship Program”;

“(d) ADDITIONAL ASSISTANCE. — Section 715(a)(1) (20 U.S.C. 1136d(a)(1)) is amended—

“(1) by striking “1999-2000” and inserting “2004-2005”;


“(e) AUTHORIZATION OF APPROPRIATIONS. — Section 716 (20 U.S.C. 1135e) is amended by striking “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

“(f) TECHNICAL AMENDMENTS. — Section 717 (20 U.S.C. 1135c(c)) is amended—

“(1) by striking “section 717(a)” and inserting “section 717(a)(1)”; and

“(2) by striking “section 717(b)(2)” and inserting “section 717(b)(2)(A)”.

SEC. 4. THURGOOD MARSHALL LEGAL EDUCATION OPPORTUNITY PROGRAM. — (a) CONTRACT AND GRANT PURPOSES. — Section 721(c) (20 U.S.C. 1138c(c)) is amended—

“(1) by amending paragraph (2) to read as follows:

“(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;”

“(2) by striking “and” at the end of paragraph (4); (A) by striking the period at the end of paragraph (5) and inserting “and”;

“(6) to award Thurgood Marshall Fellowships to eligible law school students—

“(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

“(B) who are eligible law school students who apply under a comparable summer institute program certified by the Council on Legal Educational Opportunity.”

“(b) SERVICES PROVIDED. — Section 721(d)(1)(D) (20 U.S.C. 1138d(1)(D)) is amended by inserting “in analytical skills and study methods” after “pursuing a doctorate of philosophy in math and science”.

“(c) AUTHORIZATION OF APPROPRIATIONS. — Section 721(h)(2) (20 U.S.C. 1138h(2)) is amended by striking “1999 and each of the 4 succeeding fiscal years” and inserting “2004 and each of the 5 succeeding fiscal years”.

“(d) GENERAL PROVISIONS. — Subsection (e) of section 721 (20 U.S.C. 1137(e)) is repealed.

SEC. 5. FUNDING FOR IMPROVEMENT OF POST-SECONDARY EDUCATION. — (a) CONTRACT AND GRANT PURPOSES. — Section 741(a) (20 U.S.C. 1138a(a)) is amended—

“(1) by amending paragraph (1) to read as follows:

“(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;

“(2) in paragraph (4) before the semicolon at the end the following: “for postsecondary students, especially those that provide academic credit for programs”;

“(3) by amending paragraph (3) to read as follows:

“(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;”;

“(4) by amending paragraph (6) to read as follows:

“(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;”

“(b) AREAS OF NATIONAL NEED. — Section 744(c)(2) (20 U.S.C. 1138c(c)) is amended by striking paragraph (4) and inserting the following:

“(4) international cooperation, partnerships, or student exchange among postsecondary educational institutions in the United States and abroad;

“(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, the development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).

“(6) Support for planning, applied research, training, research, development, or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to enable institutions of higher education to work with private and civic organizations to assist communities and meet and address their pressing problems including economic development, community infrastructure and housing, crime prevention, education, healthcare, self sufficiency, and workforce preparation.

“(c) AUTHORIZATION OF APPROPRIATIONS. — Section 745 (20 U.S.C. 1138d) is amended by striking “$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “$40,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.


SEC. 7. DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION. — (a) SERVING ALL STUDENTS WITH DISABILITIES.—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking “students with learning disabilities” and inserting “students with disabilities”.

“(b) AUTHORIZED ACTIVITIES.—

“(1) AMENDMENT. — Section 762(b)(2) is amended—

“(A) in subparagraph (A), by inserting “in order to improve retention and completion” after “disabilities”;

“(B) by redesigning subparagraphs (B) and (C) as subparagraphs (C) and (E), respectively;

“(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities in high school to postsecondary education.;”;

“(D) by redesigning subparagraph (B) as redesignated by subparagraph (B) of this paragraph in the following:

“(B) DISTANCE LEARNING.—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of electronic communication for instruction and advisement.”;

“(c) CONFORMING AMENDMENT.—Section 762(b)(3) is amended by striking “subparagraphs (A) through (C)” and inserting “subparagraphs (A) through (E)”.

“(d) APPLICABILITY. —Section 763 (20 U.S.C. 1140b) is amended—

“(1) by amending paragraph (1) to read as follows:

“(1) a description of how such institution plans to address the activities allowed under this part;”;

“(2) by striking “and” at the end of paragraph (2); (3) by striking the period at the end of paragraph (3) and inserting “; and”;

“(4) by adding at the end the following new paragraph:

“(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education who have demonstrated success in serving students with disabilities.

“(d) AUTHORIZATION OF APPROPRIATIONS. — Section 765 (20 U.S.C. 1140b) is amended by striking “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

THE SPEAKER pro tempore. — Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. HINOJOSA) each controlled 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may place 5 legislative days within which to revise and extend their remarks and include extraneous material on H. R. 3076.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

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

Mr. Speaker, today in support of H.R. 3076, the Graduate Opportunities in Higher Education Act, a bill that will not only build upon the successes of our graduate education programs, but will also help fulfill areas of critical national need which will help trigger improvement at all levels of education, including K-12.

I would like to thank my colleagues on both sides of the aisle, particularly the ranking member of the subcommittee, the gentleman from Texas (Mr. HINOJOSA) who, again, we have been very able to work very well together, and his cooperation has been able to bring these bills together in a bipartisan way.

We all recognize the importance of graduate education, particularly as we work to meet the challenges of the No Child Left Behind Act and place a highly-qualified teacher in every public school classroom by the 2005-2006 school year. We believe this legislation before us today will help our States and schools as they strive to achieve that important goal.

The Federal Government has long been involved with graduate-level education, providing fellowships that assist students who excel in their chosen fields to complete education beyond the baccalaureate level. These programs have been tremendously successful, encouraging in-depth study and creating knowledgeable experts, particularly in subject areas facing national need.

Graduate education authorized under Title VII of the Higher Education Act produces immeasurable benefits for our Nation. Not only do these programs enrich our classrooms but they also nurture discovery and innovation that will some day lead to medical and technological advancements. Graduate programs train the next generation of teachers, researchers, engineers, doctors, lawyers, poets and professors. These individuals will be vitally important in preparing the United States to meet the challenges of the future.

Title VII of the Higher Education Act authorizes three graduate fellowship programs: the Jacob K. Javits Fellowship program, the Thurgood Marshall Legal Education Opportunity program. Collectively, they encourage students to advance their knowledge in scientific and technical fields, the arts and humanities, and legal studies by providing financial assistance as well as support services to those displaying academic excellence in their field of study.

Each year, Congress appropriates nearly $45 million to assist these students in pursuing their goals. The Graduate Opportunities and Higher Education Act seeks to build upon the success of these programs by targeting fellowships in subject areas facing national need, not only at the graduate level, but also by encouraging study of subject areas where there are shortages in K-12 education as well. This will help to expand the number of educators prepared to train the teachers of tomorrow in critical subject areas such as math, science, and special education. By placing a priority on these subject areas and helping those facing demonstrated national need, graduate fellowships will serve to strengthen education from the halls of universities down to the classrooms filled with children.

In addition to placing a priority on these three subject areas, the Graduate Opportunities in Higher Education Act also recognizes the rapidly-growing need for teachers prepared to meet the needs of students with limited English proficiency. The Graduate Opportunities in Higher Education Act authorizes and makes improvements to an essential piece of our higher-education reform efforts. By strengthening graduate education and targeting the Federal investment towards those areas facing demonstrated need, we cannot only improve graduate education but education at all levels in this Nation.

I encourage my colleagues to join me in supporting this important piece of legislation and help make our already successful graduate education programs even better.

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

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

Mr. Speaker, I rise in support of in support of H.R. 3076, the Graduate Opportunities in Higher Education Act. I would like to commend our subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA); the chairwoman of the full committee, the gentleman from Ohio (Mr. BOEHNER); and our ranking member, the gentleman from California (Mr. GEORGE MILLER) for the way they have managed this process, enabling us to bring this bipartisan measure to the House floor today.

This bill reauthorizes Title VII of the Higher Education Act. Although it only represents a small percentage of the Federal investment in higher education, it is a critical investment. This education legislation reaffirms the Federal interest in promoting access to and professional degrees, as well as assisting colleges and universities in meeting the needs of the growing number of students with disabilities who aspire to earn college degrees.

This legislation make important improvements to our graduate education programs. If it is our goal of ensuring that there is a highly-qualified teacher in every classroom, we must address our teacher preparation pipeline in its entirety.

In No Child Left Behind we addressed the need for professional development and mentoring for teachers already in our schools. In the Ready to Teach Act, we worked on improving the preparation of new teachers. And now, in the Graduate Opportunities in Higher Education Act, we are going to address faculty shortages in education, especially in the fields of math, science, special education, and teaching of limited English proficiency students to ensure that our teacher colleges have the well-prepared faculty to help new teachers conduct the scientifically-based research that will be used to inform instruction in classrooms across the whole country.

This is an important addition to the Higher Education Act, and I thank the chairman for working with us to include it in this bill.

I am also pleased that this bill reauthorizes and makes improvements to the Thurgood Marshall Legal Educational Opportunity Program, demonstrates projects for ensuring that students with disabilities receive a quality higher education and the funds for the improvement of postsecondary education.

Mr. Speaker, I would like to commend the staff on both sides of the aisle on a job well-done in preparing this legislation. In particular, I would like to recognize the work of Alison Martinez for this side of the aisle.

Again, thank the chairman for working to bring forward a bill that we can all support.

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

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

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding me this time and for shepherding this legislation through the committee in a truly bipartisan fashion. I think it is well-written and well-received by everyone concerned, so I welcome like to express my support for H.R. 3076.

H.R. 1, better known as No Child Left Behind, certainly raises the bar regarding teacher qualifications. And so to do this, we will need to improve our teacher training programs at the post-secondary level.

We are currently experiencing a teacher shortage crisis of tremendous magnitude across the country, especially in the areas of science, special ed, and bilingual language teachers. My daughter, actually, is an English-as-a-second-language teacher, and I realize how scarce these teachers are. This bill will especially improve teacher training in these underserved areas.

Another area of the legislation that really appeals to me is that it provides for some competitive grant programs to encourage innovation and reform in higher education. In our educators’ colleges, we see things done the same way they were done 20 years ago, and so I think this is badly needed, to have some innovative creative
ideas. So these grants, I think, will serve us well.

So I think this is an excellent piece of legislation, Mr. Speaker. I endorse it wholeheartedly, as I think everyone on the Committee on Education and the Workforce should. I thank the chairman for his efforts in this regard.

Mr. HOEKSTRA. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHlers), a member of the Committee on Education and the Workforce.

Mr. EHlers. Mr. Speaker, I commend the gentleman from Ohio (Mr. BOEHRER) and the gentleman from Michigan (Mr. HOEKSTRA) for their work on the Graduate Opportunities in Higher Education Act. I also thank the committee staff for working to address my concerns surrounding the Graduate Assistance in Areas of National Need program, better known as the GAANN program.

I also commend the Secretary of Education for identifying as the current areas of national need biology, chemistry, computer and information sciences, engineering, geological and related sciences, and mathematics and physics. There is good reason for him to do so. It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology. The effectiveness of the United States in promoting economic growth, however, depends critically on the intellectual capital of the United States. Education is critical in developing this resource.

Unfortunately, the United States is lagging in science and mathematics. The graduate enrollments in most other majors, and enrollments in engineering majors is lower than enrollments in most other majors, and enrollment has been on the decline over the past decade. Especially worrisome is the fact that enrollments in undergraduate mathematics, science, and engineering majors is lower than enrollment in most other majors, and enrollment has been on the decline over the past decade. Especially worrisome is the fact that enrollments in engineering have declined steadily for 20 years. Graduate enrollment in engineering, however, has increased. How can that be? The difference is students from other countries coming in to do graduate work in our country because we are not producing enough students at the undergraduate level to fill the available graduate spaces. That is not good for the long-term health of our economy and our workforce.

This declining enrollment affects the education of our prospective elementary and secondary mathematics and science teachers as well. Teachers provide the essential connection between students and the content they are learning. Student performance on the recent Third International Mathematics and Science Study highlights the importance of these programs. The TIMSS Study shows that performance in science and mathematics education in the United States, particularly when compared to other countries. We must expect more from our Nation’s educators and students if we are to build on the accomplishments of previous generations.

New methods of teaching mathematics and science are required, as well as better curricula and improved training of teachers. Just to illustrate that, the TIMSS study I mentioned showed that we are near the bottom of all developed nations in the accomplishments of our high school students in science in general. We are even lower in the performance of our students in mathematics, and we are dead last in our high school physics students. Clearly, we need improvements if we are going to continue discovering and the growth of our economic engine.

To achieve improved training of teachers, this legislation establishes a priority for grants under the GAANN program in order to prepare individuals for the professoriate who are committed to training highly-qualified elementary and secondary school teachers in mathematics and science. I encourage the secretary to provide priority to departments that engage in such activities, and encourage the secretary to regard departments of mathematics and science, as well as departments of engineering, as departments that may provide such activities. Already, departments of engineering have demonstrated a focus on preparing highly-qualified elementary and secondary mathematics and science teachers. We add in addition to this the K–12 system. If we do not, we are not going to solve the problem, and we will continue to be short on trained technical personnel, and we will continue to suffer in our economy.

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

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume, once again, thank my colleague for working with us. I think we have developed a great partnership on this subcommittee. We had a great hearing down in the gentleman’s district, a couple of weeks ago, in Texas. We had a very, very good hearing, a very, very good roundtable, and a delicious dinner together with great hospitality. And I just want to publicly express my appreciation for the cooperation in that process and also the continued partnership on the legislation coming through this committee.

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

Mr. HOEKSTRA. I yield to the gentleman from Texas.
qualified teachers is extremely important, the many other benefits of graduate education cannot be overlooked. As we enter the 21st Century, the need for advanced education is becoming increasingly vital to successfully maintaining our place in the technologically-advanced economy. Now, more than ever, our citizens must obtaining graduate degrees, in order to gain more expertise in their field of study. This bill will help ensure the continued availability of such graduate study opportunities for students.

I'd like to thank members of my staff for their hard work, and welcome friends brining this bill forward today; particularly Krissian Pearce, Alison Ream, Kathleen Smith, Alexa Marrero, and Rebecca Hunt with Mr. HOEKSTRA's staff. Additionally, I would like to thank the Democratic staff, including Ricardo Martinez, Alex Nock, Elyynne Bannon and Moira Lenahan with Mr. HINOJOSA's staff. Thanks to the leadership of Chairman HOEKSTRA, the bipartisan cooperation from members on both sides of the aisle, and the hard work of our staff, we have before us today a bill that will allow for the continued success of graduate fellowships that enrich student knowledge while building up our teaching workforce.

As we move forward with the reauthorization of the Higher Education Act, we must continue to build on the success of these valuable programs and the next generation of scholars. Graduate education is essential to maintaining our economic leadership, as well as ensuring the success of education reform in classrooms across America. I hope my colleagues will join me in supporting this bill, and the continued success of graduate education.

Mr. HOLT. Mr. Speaker, I rise today to support H.R. 3076, the Graduate Opportunities in Higher Education Act.

The bill authorizes a total of $120 million for Title VII graduate education programs, including Jacob K. Javits Fellowships, Graduate Assistance in Areas of National Need, Thurgood Marshall Legal Education Opportunities and the Fund for the Improvement of Post-Secondary Education programs.

Mr. Speaker, I would like to thank Chairman BOEHNER for his work on this bill and for accepting my amendment in committee.

Under the graduate Assistance in Areas of National Need program, the Higher Education Act provides grants to colleges and universities to address subject areas where America doesn't have enough people with advanced degrees—including education, where new teachers are trained.

My amendment would require that any schools of education that apply for GAANN grants collaborate with a department, program, or unit, or other appropriate content area to assure a successful combination of training in both teaching and relevant content. This should go almost without comment. Most graduate schools already do this.

With the enactment of the historic No Child Left Behind Act, Congress committed itself to ensuring that every student would have the opportunity to improve academically, to attend a safe school in a challenging and nurturing classroom environment, and to have a chance for real scholastic success.

Critical to achieving these goals is having highly qualified teachers in every classroom—teachers who are not only versed in general teaching skills, but also have expertise in the subject matter they teach.

This is because when teachers pursue a graduate degree in education, they often focus on education theory and policy, rather than combining such a curriculum with substantive research in a particular subject area like math, science, or literature. If we hope to achieve the goals of No Child Left Behind, we must ensure that the teachers in our children's classrooms are indeed "highly qualified," which should include expertise in the subject matter they teach.

That is why I offered, and the committee accepted, an amendment that will reaffirm our commitment to improving teacher quality so that all of our schools can meet the standards of No Child Left Behind.

Mr. Speaker, I thank the chairman for his support of my amendment, and I ask my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 3076, to reauthorize Title VII of the Higher Education Act to authorize graduate fellowship programs with the financial support necessary to complete advanced degrees in areas of national need and in the humanities, social sciences and the arts. I would like to commend Chairman HOEKSTRA and Ranking Member HINOJOSA on their exceptional work on this resolution.

I am pleased that we are continuing to encourage our young people to persist with their educational goals and receive an advanced degree. There are three types of graduate fellowship programs that are authorized: the Jacob K. Javits Fellowships, the Graduate Assistance in Areas of National Need (GAANN) Fellowships and the Thurgood Marshall Legal Education Opportunity Fellowships. I am proud of these programs which are set up to give opportunity to individuals who may not have the change otherwise to gain a graduate degree.

Unfortunately, the Urban Community Service Program, which was created to provide incentives to urban academic institutions to allow these schools to work with private and civic organizations to implement solutions to pressing problems in their communities, was eliminated. I understand that the program has not received funding since Fiscal Year 1999, yet this program is very rich on how urban colleges and universities can work with the surrounding area to strengthen and lift up the community by making it safer and a better place to live for both the students and the people in the community. At too many urban colleges and universities, the only safe place to be in the area is on the campus. I hope in the future we can try to implement this program or a similar program as a way to encourage urban academic institutions to not forget about the community that surrounds its campus and to proactively work with the community.

Again, I support the Chairman and Ranking Member for their efforts on this legislation. I encourage my colleagues to support this legislation.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 3076, the Graduate Opportunities in Higher Education Act.

The Graduate Opportunities in Higher Education Act, H.R. 3076, builds upon the success of the graduate fellowship programs within the Higher Education Act (HEA). Because graduate education trains the faculty who train the teachers of tomorrow, the legislation recognizes subject areas in elementary and secondary education facing shortages, and places a priority on those subject areas, working to create a pipeline of highly qualified teachers to improve education at all levels.

Since enactment of No Child Left Behind, this Congress, the administration and educators have recognized the importance of having highly qualified teachers in the classroom. We need to raise teacher quality standards in our education system, but also help our teachers find the means to meet these goals. H.R. 3076 is an important step toward this end. By expanding our graduate programs, we guarantee our students will be educated by highly qualified teachers with an extensive knowledge base. It is a great step toward the betterment of our education system.

I encourage my colleagues to support H.R. 3076 as an important reform to our higher education system and ultimately to our Nation.

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and pass the bill, H.R. 3076, as amended.

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

A motion to reconsider was laid on the table.

INTERNATIONAL STUDIES IN HIGHER EDUCATION ACT OF 2003

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3077) to amend title VI of the Higher Education Act of 1965 to enhance international education programs, as amended.

The Clerk read as follows:

H.R. 3077

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

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Studies in Higher Education Act of 2003".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be construed to refer to the section or other provision as amended, repealed, or otherwise modified by law at the time such amendment or repeal is expressed.

TABLE OF CONTENTS.—

Sec. 1. Short title; references; table of contents.

Sec. 2. International and foreign language studies.

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Sec. 5. Evaluation, outreach, and dissemination of educational opportunities.

Sec. 6. Advisory Board.

Sec. 7. Recruiter access to students and student recruiting information; safety.

Sec. 2. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

(a) FINDINGS AND PURPOSES.—Section 601 (20 U.S.C. 1121) is amended—

(1) in subsection (a), (A) by striking "post-Cold War" in paragraph (3);
(B) by redesigning paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and
(C) by inserting after paragraph (3) the following new paragraph:

"(4) The Secretary may or may not award grants under this section that demonstrate a need for a waiver or reduction.

"(5) Special Rule.—The Secretary may waive or reduce the required non-Federal share for institutions that—

"(5)(A) are eligible to receive assistance under part A or B of title III or under title V; and

"(5)(B) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.

"(6) Selection of Grant Recipients.—Section 607(b)(2)(U.S.C. 1125a(b)) is amended—

"(6)(A) by striking out "objectives" and inserting "missions"; and

"(6)(B) by adding at the end the following new sentence: "In keeping with the purposes of this part, the Secretary shall take into account the degree to which centers, programs, and fellowships at institutions of higher education advance national interests, generate and disseminate information, and foster debate on American foreign policy from diverse perspectives.

"(7) Equitable Distribution.—Section 608(a)(20 U.S.C. 1128a) is amended by—

"(7)(A) by adding at the end the following new sentence: "Grants made under section 602 shall also reflect the purposes of this part.

"(7)(B) by adding by striking "1999" and inserting "2004"; and

"(7)(C) by striking ""1999" and inserting ""succeeding"".

"(8) Conforming Amendments.—Sections 608(a), 608(a)(5), and 612 (20 U.S.C. 1128a, 1128a(5), 1130) are each amended by striking "combinations" each place it appears and inserting "consortia".

SEC. 3. BUSINESS AND INTERNATIONAL EDUCATION PROGRAMES.

(A) Centers for International Business Education.—Section 612 (20 U.S.C. 1130-1) is amended—

"(A) by inserting "including those that are eligible to receive assistance under part A or B of title III or under title V"

"(B) by adding at the end the following new sentence: "other institutions of higher education"; and

"(C) by inserting after paragraph (6) the following new paragraph:

"(6)(A) by striking the period at the end of paragraph (7) and by inserting a semicolon and 

"(B) by striking the period at the end of paragraph (8) and by inserting a semicolon; and

"(C) by inserting after paragraph (8) the following new paragraph:

"(8) to establish linkages under section (a) with libraries, museums, organizations, or institutions of higher education located overseas to facilitate carrying out the purposes of this section; and

"(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section."; and

"(10) by adding at the end the following new sentence:

"(D) by striking the period at the end of paragraph (9) and by inserting a semicolon; and

"(E) by inserting after paragraph (9) the following new paragraph:

"(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section; and

"(10) by adding at the end the following new sentence:

"(D) by striking the period at the end of paragraph (9) and by inserting a semicolon; and

"(E) by inserting after paragraph (9) the following new paragraph:

"(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section; and

"(10) by adding at the end the following new sentence:

"(D) by striking the period at the end of paragraph (9) and by inserting a semicolon; and

"(E) by inserting after paragraph (9) the following new paragraph:

"(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section; and

"(10) by adding at the end the following new sentence:

"(D) by striking the period at the end of paragraph (9) and by inserting a semicolon; and

"(E) by inserting after paragraph (9) the following new paragraph:

"(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section; and

"(10) by adding at the end the following new sentence:
SEC. 4. INSTITUTIONS FOR INTERNATIONAL PUBLIC POLICY.

(a) FOREIGN SERVICE PROFESSIONAL DEVELOPMENT.—Section 621 (20 U.S.C. 1131b) is amended by—

(1) by striking the heading of such section and inserting the following:

"SEC. 621. PROGRAM FOR FOREIGN SERVICE PROFESSIONALS.

(2) by striking the second sentence of subsection (a) and inserting the following: ‘‘The Institute shall conduct a program to enhance the international competitiveness of the United States and to increase the participation of underrepresented populations in the international service, including private international voluntary organizations and the foreign service of the United States.’’;

(3) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

‘‘(A) An Indian Tribal College or University or Alaska Native and Native Hawaiian-serving institution eligible for assistance under title III, an institution eligible for assistance under title V, or an Hispanic-serving institution eligible for assistance under title V.’’;

‘‘(B) an institution of higher education which serves substantial numbers of underrepresented students;’’; and

(4) by striking subsection (e) and inserting the following:

‘‘(e) Match Required.—The eligible recipient of a grant under this section shall contribute to the conduct of the program supported by the grant an amount from non-Federal sources equal to at least one-half of the amount of the grant. Such contribution may be in cash or in kind. The Secretary may waive or reduce the required non-Federal share for institutions that—

‘‘(1) are eligible to receive assistance under part A or B of title III or under title V; and

‘‘(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.’’.

(b) INSTITUTIONAL DEVELOPMENT.—Section 622 (20 U.S.C. 1131c) is amended by inserting before the period at the end of subsection (a) the following: ‘‘and promote collaboration with colleges and universities that receive funds from this title in order to provide recommendations to the Secretary and the Congress for their review.’’

(c) STUDY ABROAD PROGRAM.—Section 623a (20 U.S.C. 1131b(a)) is amended by inserting after ‘‘1978,’’ the following: ‘‘Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions.’’

(d) ADVANCED DEGREE IN INTERNATIONAL RELATIONS.—Section 624 (20 U.S.C. 1131b) is amended by—

(1) by striking ‘‘MASTERS’’ in the heading of such section and inserting ‘‘ADVANCED’’;

(2) by striking ‘‘a masters degree in international relations or an advanced degree in international relations, international affairs, international economics, or other academic areas related to the international affairs field’’ and inserting ‘‘an advanced degree in international relations, international affairs, international economics, or other academic areas related to the international relations field’’;

(3) by striking ‘‘The masters degree program’’ and inserting ‘‘The advanced degree study program shall be designed by the consortia consistent with the fellow’s career objectives’’;

(4) INTERNSHIPS.—Section 625 (20 U.S.C. 1131c) is amended by—

(1) in subsection (a), by inserting after ‘‘1978,’’ the following: ‘‘Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions’’;

(2) in subsection (b), by inserting ‘‘under the end of paragraph (2):’’;

(3) in paragraph (2), by striking ‘‘; and at the end of paragraph (3) and inserting ‘‘; and’’;

(4) in paragraph (3), by inserting ‘‘and’’ after paragraph (4); and

(5) in paragraph (4), by inserting ‘‘and’’;

(6) (c) RALPH J. BUNCH FELLOWS.—In order to assure the recognition and commitment of individuals from underrepresented student populations who demonstrate special interest in international affairs and language study, eligible students who participate in the internship programs authorized under (a) and (b) shall be known as the ‘‘Ralph J. Bunch Fellows’’.

(f) REPORT.—Section 626 (20 U.S.C. 1131d) is amended by striking ‘‘annually prepare a report’’ and inserting ‘‘prepare a report biennially’’.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 628 (20 U.S.C. 1131f) is amended—

(1) by striking ‘‘1999’’ and inserting ‘‘2004’’; and

(2) by striking ‘‘and inserting ‘‘5 years’’.’’

SEC. 5. EVALUATION, OUTREACH, AND DISSEMINATION.

Part D of title VI is amended by inserting after section 631 (20 U.S.C. 1131c) the following new section:

"SEC. 632. EVALUATION, OUTREACH, AND DISSEMINATION.

‘‘The Secretary may use not more than 1 percent of funds under this title for program evaluation, national outreach, and information dissemination activities.’’

SEC. 6. ADVISORY BOARD.

Part D of title VI is amended by inserting after section 632 (as added by section 9) the following new section:

"SEC. 633. INDEPENDENT HIGHER EDUCATION ADVISORY BOARD.

(a) ESTABLISHMENT AND PURPOSE.—

(1) ESTABLISHMENT.—There is established in the Department of an independent International Higher Education Advisory Board (hereafter in this section referred to as the ‘‘International Advisory Board’’). The International Advisory Board shall provide advice, counsel and recommendations to the Secretary and the Congress on international education issues for higher education.

(2) PURPOSE.—The purpose of the International Advisory Board is—

(A) to provide expertise in the area of national needs for proficiency in world regions, foreign language and international affairs, and international affairs and international education;

(B) to make recommendations that will promote the excellence of international education programs and result in the growth and development of such programs at the postsecondary education level that will reflect diverse perspectives and the full range of views on world regions, foreign language, and international affairs and for improvement of the programs under this title in order to provide recommendations to the Secretary and the Congress for their review.

(2) PURPOSE.—The International Advisory Board may—

(A) review and comment upon the regulations for grants under this title;

(B) monitor, appraise, and evaluate a sample of activities supported under this title based on the purposes and objectives of this title in order to provide recommendations for improvement of the programs under this title;

(C) make recommendations that will assist the Secretary and the Congress to improve the programs under this title to better reflect the national needs related to the homeland security, international education, and international affairs, including an assessment of the national needs and the training needs identified by the higher education that receive a grant under this title for expert and non-expert level foreign language training;

(D) make recommendations to the Secretary and the Congress regarding such studies, surveys, and analyses of international education that will provide feedback about the programs under this title and assure that their relative authorized activities reflect diverse perspectives and the full range of views on world regions, foreign language, and international affairs;

(E) make recommendations that will strengthen the partnerships between local educational agencies, public and private educational organizations, and State, local, and Federal agencies, and grant recipients under this title to ensure that the research and knowledge about
world regions, foreign languages, and international affairs is widely disseminated to local educational agencies;
(F) make recommendations on how institutions of higher education, that receive a grant under this title can encourage students to serve the nation and meet national needs in an international affairs, international education programs, or national security capacity;
(G) make recommendations on how linkages between institutions of higher education, that receive a grant under this title, and the United States, in terms of the recommendations that are involved in international education, language training, and international research capacities to fulfill manpower and information needs of United States businesses;
(H) make recommendations to the Secretary about opportunities for grants for underrepresented populations in the areas of international relations, international affairs, and international economics, in order to effectively carry out the activities of the Institute under part C.
(2) HEARINGS. — The International Advisory Board shall provide for public hearing and comment regarding the matter contained in the recommendations described in paragraph (1), prior to the submission of those recommendations to Secretary and the Congress.
(3) OPERATIONS OF THE COMMITTEE. — (1) TERMS. — Each member of the International Advisory Board shall be appointed for a term of 4 years, except that, of the members first appointed (A) 4 shall be appointed for a term of 3 years, and (B) 3 shall be appointed for a term of 3 years, as designated at the time of appointment by the Secretary. A member of the International Advisory Board may be reappointed to successive terms on the International Advisory Board.
(2) VACANCIES. — Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of such term. A member of the International Advisory Board shall, upon the Secretary's request, continue to serve after the expiration of a term until a successor has been appointed.
(3) NO GOVERNMENTAL MEMBERS — Except for the members appointed by the Secretary under paragraph (4), no governmental employees of the Federal Government shall serve as members of the International Advisory Board.
(4) MEETINGS. — The International Advisory Board shall meet not less than once each year. The International Advisory Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 3 voting members of the International Advisory Board.
(5) QUORUM. — A majority of the voting members serving on the Board at the time of a meeting shall constitute a quorum.
(6) CHAIR. — The International Advisory Board shall elect a Chairman or Chairwoman from among the members of the International Advisory Board.
(f) SUBMISSION TO DEPARTMENT FOR COMMENT. — The International Advisory Board shall make recommendations to the Secretary of Education for comment for a period not to exceed 30 days in each instance.
(g) PERSONNEL AND RESOURCES. — (1) COMPENSATION AND EXPENSE. — Members of the International Advisory Committee shall serve without pay for such service. Members of the International Advisory Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the International Advisory Board. Members of the International Advisory Board may each receive reimbursement for travel expenses incident to attending International Advisory Board meetings, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.
(2) PERSONNEL. — The International Advisory Board shall appoint, without pay for such personnel, may be determined necessary by the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of this title relating to classification and General Schedule pay rates, but no individual so appointed shall be paid in excess of the rate authorized for GS-18 of the General Schedule. The International Advisory Board may appoint not more than 1 full-time equivalent, nonpermanent, consultant without regard to the provisions of title 5, United States Code. The International Advisory Board shall not be required by the Secretary to reduce personnel to meet agency personnel reduction goals.
(3) CONSULTATION. — In carrying out its duties under this title, the International Advisory Board shall consult with other Federal agencies, representatives of State and local governments, and private organizations to the extent feasible.
(4) ASSISTANCE FROM OTHER AGENCIES. — (A) INFORMATION. — The International Advisory Board is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this section and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and shall, to the extent permitted by law, furnish such information, suggestions, estimates, and statistics directly to the International Advisory Board, upon request made by the Chairman.
(B) SERVICES AND PERSONNEL. — The head of each Federal agency shall, to the extent not prohibited by law, consult with the International Advisory Board in carrying out this section. The International Advisory Board is authorized to utilize, with the concurrence of the personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement.
(5) CONTRACTS; EXPERTS AND CONSULTANTS. — The International Advisory Board may enter into contracts for the acquisition of information, suggestions, estimates, and statistics for the purpose of this section. The International Advisory Board is authorized to obtain the services of experts and consultants without regard to section 3109 of title 5, United States Code, and to set pay in accordance with such section.
(h) TERMINATION. — Notwithstanding the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1) or any other statute or regulation, the International Advisory Board shall be authorized through September 30, 2009.
(2) FUNDING. — The Secretary shall use not more than one-half of the funds available to the Secretary under section 632 to carry out this section.
(i) FUNDING. — The Secretary shall not use more than one-half of the funds available to the Secretary under section 632 to carry out this section.
(2) NATIONAL STUDY OF FOREIGN LANGUAGE HERITAGE COMMUNITIES. — Part D of title VI is further amended by inserting after section 635 the following new sections:
SEC. 636. STUDENT SAFETY.
"Applicants seeking funds under this title to support student travel and study abroad shall submit as part of their grant application a description of safety policies and procedures for students participating in the program while abroad."
Title VI of the Higher Education Act provides support for a critically important group of programs at colleges and universities which work to advance knowledge of world regions, encourage the study of foreign languages, and train American students to have the international and intercultural skills needed to become effective citizens in the world community. As we continue efforts to reauthorize the Higher Education Act and strengthen America’s national and foreign language studies, it is more important than ever to ensure that Congress and the Secretary of Education do all we can to ensure these programs are fulfilling their purpose.

For that reason, the bill would create a new International Education Advisory Board, in consultation with homeland security agencies, for all title VI programs to increase accountability by providing recommendations to the Secretaries of Education and Congress on international education issues for higher education. This board is advisory in nature and will not be responsible for dictating education issues for higher education. The advisory board will serve as an important new resource for those of us at the Federal level as we work to ensure the continued success of international and foreign language studies programs at campuses across the Nation.

Taken together, the reforms included in the International Studies in Higher Education Act will continue our efforts to strengthen higher education as a whole, while at the same time helping to ensure international studies programs are working to fulfill our critical national and international security needs. I stand in strong support of this legislation and encourage my colleagues to join me in our efforts to build on the success of these programs.

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

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of H.R. 3077, the International Studies in Higher Education Act.

International education is increasingly important in today’s world. We are part of a global economy, and our fortunes are directly tied to the fortunes of other nations. As a global community, we must face many shared challenges: Protecting the earth’s natural resources, meeting our energy needs, feeding the growing world population, eradicating diseases, protecting human rights, and ensuring that all people have the opportunity to reach their full potential through education and meaningful work.

We must build our Nation’s capacity to operate in this global environment. As our challenges in Iraq demonstrate, lack of understanding of other people’s culture and language can have deadly consequences. All of our young people, whom we rely on to shape the future of the university, must be exposed to the world at large. We must encourage and value multilingualism. That is why I am very pleased that we are considering H.R. 3077, which reauthorizes the International Studies Program in Higher Education Act.

I would like to thank our subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER), and our rankingminority member from California (Mr. GEORGE MILLER), for working to produce a bill that deserves bipartisan support.

This bill reauthorizes our international education programs, the international and foreign language studies programs, the business and international education programs, and also the International Institute for Public Policy. These are the core international education programs that have served our Nation very well for many years.

The legislation makes some needed improvements to these programs. It will ease the financial burdens that may discourage needy institutions, such as Hispanic-serving institutions, HSIs; it will benefit Historic Black Colleges and Universities, HBCUs; and it will also benefit tribally-controlled colleges and universities from participating in the programs by allowing the Secretary of Education to reduce the matching requirement on a case-by-case basis. It also encourages institutions to work in partnerships with minority-serving institutions in the international business programs.

Mr. Speaker, these are steps in the right direction. We must ensure that our national efforts in international education reflect the increasingly diverse population here at home in the United States. It will not interfere with curriculum nor with academic freedom.

Mr. Speaker, our professional staff on the committee have once again done an excellent job in preparing this legislation for our consideration. I would like to recognize the efforts of Allison Beam for the majority and Mr. Ricardo Martinez on our side of the aisle. I urge my colleagues to support this education legislation.

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

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

Mr. Speaker, I want to join my colleagues in thanking our staff for the work that they have done not only on this bill but also on the previous one. It is an area where we are woefully short of the resources that we need. It is a weakness that we face, so this bill will help encourage the study of foreign language. It will train Americans to have the international expertise and understanding to fulfill pressing national security needs.

This bill will encourage the coordination between these important international and foreign language study programs and America’s national and international security needs. Since 9/11, we have seen and received heightened awareness of how important these types of programs are. We have found that these no longer are nice to have, but these are now essential programs that we need to build the expertise within the United States to face some of the international security threats that we face.

H.R. 3077 also seeks to strengthen and improve international education programs to ensure they are reaching all the people who will make recommendations for international studies and enhance international knowledge and understanding.
As my colleague mentioned, the bill also creates an education advisory board. There were those who were concerned as we began this process that the language was not clearly written and that the end result would be that the advisory board would become more than an advisory board and that it would become a board that could dictate curricula. Working together, we were able to clarify that language so that every individual understands that this is clearly an advisory board and that feedback provided can move forward aggressively. So this bill is a significant step forward. It builds on the long-term successes that we have had.

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

Mr. HINOJOSA. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE), a member of the Committee on Education and the Workforce.

Mr. PAYNE. Mr. Speaker, let me begin by commending the subcommittee chairman and our ranking member, the gentleman from Texas (Mr. HINOJOSA), who has demonstrated tremendous leadership on this whole question of international studies. His background and the need for internationalizing our workforce, internationalizing our universities, bringing attention to Hispanic-serving institutions and ensuring that they get their just share of support toward educating the workforce in this Nation is second to none. It is certainly a pleasure for me to serve with him on this Committee on Education and the Workforce.

I rise in strong support of H.R. 3077, the International Studies and Higher Education Act of 2003. Education programs are vital to our Nation's colleges and universities. It is imperative that we train young men and women of all backgrounds and races to prepare for the increasingly global society. Today we live in a global village. Everything is interdependent. World trade organizations, world bank organizations, organizations that deal with world health, the current campaign to eradicate polio in countries needs to have physicians from throughout the world, and the U.S. Centers for Disease Control needs to have doctors that reflect the various cultures of the world.

So that education, even though it is on a college level, we need to see the impact that it will have and should have in other agencies such as health, such as banking. So we must do more to prepare our students to take their place.

Unfortunately, though, this bill does not go far enough in recruiting and maintaining minority students in the field of international service. During the markup of the bill, I introduced an amendment which would have authorized the establishment of a Ralph J. Bunche scholarship for selected undergraduate students in the Department of International Public Policy. We will be celebrating 100 years of Dr. Ralph Bunche's birth and I believe this amendment would have helped to underwrite the cost of studies of minority students. Dr. Ralph Bunche was a Nobel Peace Prize recipient. He did a tremendous amount of work in the Middle East, and he was a dedicated person during the 20 years he worked in trying to achieve global peace. The scholarship I was proposing would have helped to underwrite the cost of studies of more diverse students. Minority students, in our country because of the order for us to really have a foreign service that truly reflects the diversity of America, we must have more students from minority groups. We must have more Asian Americans and more Hispanic Americans and African Americans in our foreign service if we are, in fact, going to be successful.

The institute was created in 1992 in order to attract and retain women and minorities who are underserved. This legislation I am supported by the United Negro College Fund and the American Council on Education; and hopefully as we move forward, that legislation will be adopted.

Mr. Speaker, I do support H.R. 3077, but in the future, hopefully, we can be a little more sensitive so we can really, truly have our foreign service reflect the great diversity of our Nation.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. EHLERS), a member of the Committee on Education and the Workforce.

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

I want to register my support for the bill that is currently before us, H.R. 3077. It is something that is badly needed. I am very pleased to see it come out of committee, and I hope it will soon be on the House of Representatives.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 3077, the International Studies and Higher Education Act.

I want to particularly commend the gentleman from Michigan, the chairman of the Subcommittee on Select Education, for including in the bill section 6, providing for the establishment of the International Higher Education Advisory Board.

This seven-member independent board will be empowered to review and comment upon the selection criteria for title VI grants, monitor and evaluate the activities of grantees based upon the purposes of title VI, and make recommendations regarding how to improve the programs to better reflect national needs, among other functions. Section 6 makes clear that the purpose of the Board's recommendations is to foster the "growth and development of international education programs at the postsecondary level that encourage diverse perspectives. . . ."

I am encouraged that the creation of this Advisory Board will help redress some problems which is a great concern of mine, namely, the lack of balance, and indeed the anti-American bias that pervades title VI-funded Middle East studies programs in particular. To the extent that it advances the national interest to commit taxpayer funds to institutions of higher education, I commend the committee for its concern with regard to key regions of the world—and I would emphatically affirm that it does—then surely it is troubling when evidence suggests that many of the Middle East regional studies grantees are committed to a narrow point of view at odds with our national interest, a point of view that questions the validity of advancing American ideals of democracy and the rule of law around the world, and in the Middle East in particular.

The Advisory Board's oversight function does not undermine the academic freedom that is and must be enjoyed by our institutions of higher education. In establishing the board, we are doing no more than exercising our responsibility to ensure that the Federal funds we authorize and appropriate are expended properly.

I commend the Committee on Education and the Workforce for addressing this issue, and urge my colleagues to support this important legislation.

Mr. BOEHNER. Mr. Speaker, I rise today in strong support of H.R. 3077, the International Studies in Higher Education Act. This bill is part of our comprehensive efforts to strengthen and renew higher education, and it will make real improvements to international and foreign language studies programs in campuses across America.

I'd like to commend my colleague Mr. HOEKSTRA, chairman of the Select Education Subcommittee, for his work on this bill. Thanks to his efforts, the measure before us today has received bipartisan support, as well as a position of endorsement from the higher education community who are administering these critical international and foreign language programs. I'd also like to thank my good friend Mr. MILLER, the ranking member on the committee, and Mr. HINOJOSA, the ranking member on the subcommittee, for their cooperation in bringing this bill before us today.

The International Studies in Higher Education Act renews and reauthorizes the international and foreign language studies programs under title VI of the Higher Education Act. These programs are not only an important part of our postsecondary education system, but they are also a critical piece of our national efforts to fulfill national and international security needs.

Today, in the post-9/11 era, our Nation has been confronted with a new reality. No one, not virtually any other time in our history, we must understand our national interests and security concerns within an international context. We do not live in a vacuum, and our higher education system must reflect this. That's why the bill before us today is so important.

International and foreign language studies programs are often responsible for training experts with the skills and knowledge necessary...
to meet our changing national security needs. Grants provided through title VI of the Higher Education Act allow colleges and universities across the country to offer programs that foster this type of learning, and help students gain significant understanding of international perspectives and languages.

The bill before us today will allow the continued success of these programs by allowing for increased undergraduate study, including study abroad. In addition, the bill allows for the creation of national resource centers to serve as international and foreign language centers and programs at the K–12 level, encouraging international studies at all levels of education. The bill also seeks to enhance diversity among those participating in the Institute for International Public Policy, requiring that all underrepresented populations be included.

Because of the increased prevalence and importance of international and foreign language studies programs, particularly in meeting our changing national security needs, this bill creates an important new resource for information and guidance through the establishment of an advisory board for international education. This advisory board will serve as a valuable information source for Congress and the Secretary of Education as we work to strengthen and establish these programs and ensure their continued success.

I'd like to acknowledge the hard work of members of my staff in bringing this bill forward today; particularly Krisann Pearce, Alison Ream, Kathleen Smith, Alexa Marrero, and Rebeccah Houston with Mr. HOEKSTRA's staff. Additionally, I would like to thank the Democratic staff, including Ricardo Martinez, Alex Nock, Ellyne Bannon and Moira Lenehan with Mr. HINOJOSA's staff. Thanks to the leadership of Chairman HOEKSTRA, the bipartisan cooperation from both sides of the aisle, and the hard work of our staff, we have before us today a bill that will allow for the continued success of international and foreign language studies programs at campuses across the Nation. I'm pleased to support this measure, and encourage my colleagues to join me in our efforts to ensure international and foreign language studies continue to thrive at colleges and universities across America.

Mr. HOLT, Mr. Speaker, I rise today to support Mr. HINOJOSA's International Studies in Higher Education Act. This bill authorizes a total of $108 million in FY 2004 for higher education international studies and foreign language programs. It also establishes a seven-member International Education Advisory Board to provide advice and recommendations to the Education Department and Congress on all title VI programs but specifically states that nothing in it should be construed as authorizing the advisory board to "mandate, direct or control" the specific institutional content, curriculum or program of instruction of any institution of higher education.

I would like to highlight two amendments that I offered in the Higher Education Committee, reflected in the committee's final version of the legislation. One of the serious challenges facing our nation today is that our country lacks people who are fluent in a foreign language and also have a background in science and technology. There are few Americans who can understand the technical documents, including research studies and scientific papers, written in foreign languages.

If we are to stay competitive with emerging economies in Asia, Central and South America, and Africa, this will have to change. That is why I offered one amendment, which would support programs with curricula that combine studying science and technology in a foreign language and also have a background in science and technology.

This amendment would allow universities to use grants to set up immersion programs here in the United States where students take science technology-related course work taught completely in foreign languages.

It also would provide for other programs, such as summer workshops, that emphasize the intense study of a foreign language and of science and technology.

Funds can further be used to support immersion programs for students to take science and math courses in a non-English speaking country.

To stay on top of innovations in science, mathematics, and technology, more professionals in these fields will also have to be proficient in a foreign language.

It is only with the knowledge of technical terms in foreign languages not taught in the average high school or college language class—that America can stay technologically and economically competitive.

I would like to thank Chairman BOEHRER for accepting this amendment. I hope in the future Congress will expand upon this amendment and authorize new funding for the study of science and technology in foreign languages.

The second amendment would allow the Department of Education to conduct a national study to identify heritage communities with native speakers of critical foreign languages. This will enable us to identify the foreign language capacity currently existing in the United States.

Members of heritage communities are better and less expensive educational investments than nonnative speakers with no previous foreign language experience.

More importantly, cultivating native speakers is critical to national security. The 9/11 Joint Inquiry released in July reports that the American intelligence community is only at 30 percent proficiency in critical languages. As a member of the Intelligence Committee, I find this statistic quite troubling.

In fact, more college students currently study Ancient Greek (16,402) than Arabic (5,505), Korean (4,479), and Farsi (614) put together.

We need to raise these numbers. Unfortunately, for nonnative speakers, learning languages like Arabic takes years of intensive effort and years of in-country study.

In this time of heightened awareness of national security and intelligence capabilities, we need to identify the foreign language resources already existing in this country, especially native speakers of languages that are rarely taught in our schools.

The only way to know what we have available to us in terms of native language speakers—and we can take advantage of this knowledge—is by conducting a comprehensive study. The results of this study should be extremely valuable to the intelligence community, to educators, and to Congress.

I again want to thank my colleagues on the Education and the Workforce Committee, and I want to express my strong support for this bill. I believe the leadership of this Congress will see fit to properly fund it.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 3077, which reauthorizes title VI of the Higher Education Act to authorize new grant programs and increase the number of graduates who are trained in foreign language and international studies. I would like to thank the gentleman from Michigan, Chairman HOEKSTRA, for his leadership on this bipartisan resolution and in the Subcommittee on Select Education. I would also like to thank Ranking Member HINOJOSA for his leadership as well.

I believe we can all realize the great need to have educated individuals in our Nation with the main focus being in foreign language and international studies. After the events of September 11. This bill will allow our country to strengthen that aspect of our education system by offering competitive grants to our nation's colleges and universities. Some of the included grants offer institutions of higher education to establish undergraduate language area centers and programs as well as to create new programs or to strengthen existing programs in international studies and foreign language. I am pleased that this resolution has expanded the role of international centers and programs by allowing the centers and programs to serve as a national resource for courses and materials for elementary and secondary schools. This encourages an outreach to all school children to become more familiar and knowledgeable on international affairs and cultures.

Another section of this resolution will make grants available to establish centers for international business education. These centers promote the ability for our Nation to strengthen economic and commercial interests. This legislation recognizes the importance of international understanding. I believe this is a great quality for our future business and small business leaders to have to not only support their businesses but as a way to expand and enrich their businesses.

Mr. Speaker, I again want to commend my colleagues, Chairman HOEKSTRA and Ranking Member HINOJOSA for an outstanding job on a solid piece of important legislation. I urge all my colleagues to support this legislation.

Mr. KILDEE, Mr. Speaker, international education and Federal support for it is critical as we work to strengthen our economy and expand our diplomatic efforts around the world.

International education programs are vital in building and maintaining the nation's supply of experts in foreign languages, international affairs, and international business. Providing high quality, useful opportunities for students to become knowledgeable in international issues and foreign languages has become increasingly important. America's interests are tied to our knowledge and understanding of the rest of the world.

This legislation strengthens and reauthorizes the existing Title VI programs related to the study of international affairs, world regions and foreign languages in higher education. In addition, this bill makes significant improvements to the International Business Education program by reducing the match that Historically Black Colleges and Universities, Hispanic
Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 3077, the International Studies in Higher Education Act.

H.R. 3077 updates international and foreign language studies programs by ensuring these programs reflect the current international climate and national security needs. The bill also emphasizes coordination between these programs and homeland security interests, while ensuring the programs continue to enrich higher education by enhancing international knowledge.

As a former Member of the Intelligence Committee, I authored legislation encouraging American students to study foreign languages and join the federal government in national security efforts. It is vital to our national security that we address our foreign language deficiencies and support educational initiatives that amend this problem. Our lack of highly-trained linguists, experts in serious hampers our ability to fight the war on terrorism and this legislation provides incentives to focus these programs on the reality of the situations our men and women in uniform face.

I encourage my colleagues to support H.R. 3077.

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

Mr. HINOJOSA. Mr. Speaker, I have the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion to reconsider the bill (H.R. 2535) to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rules, the bill, H.R. 3022, as amended.

The text of H.R. 2535 is as follows: H.R. 2535

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 "Economic Development Administration Reauthorization Act of 2003".

SEC. 2. AMENDMENTS TO PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

Except as otherwise expressly provided, whenever in this Act an amendment or reorganization is made, or a reference to a section or other provision of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.),

TITLES 1—GENERAL PROVISIONS

SEC. 101. FINDINGS AND DECLARATIONS.

Section 2 (42 U.S.C. 3121) is amended to read as follows:

SEC. 2. FINDINGS AND DECLARATIONS.

(a) FINDINGS.—Congress finds the following:

(1) There continue to be areas experiencing chronic high unemployment, underemployment, outmigration, and low per capita income as well as areas facing severe economic dislocations due to structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters.

(2) Economic growth in our Nation, States, cities, and rural areas is produced by expanding free enterprise through trade, developing and strengthening public infrastructure, and creating a climate for job creation and business development opportunities, expand new sources of income and create a more competitive and diversified economic base by

(3) The goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall quality of life for the economy by encouraging communities to develop a more competitive and diversified economic base by

(A) creating an environment that promotes economic activity by improving and expanding public infrastructure;

(B) promoting job creation through increased innovation, productivity, and entrepreneurship; and

(C) empowering local and regional communities experiencing chronic high unemployment, low per capita income to develop private sector business and attract increased private sector capital investment

(4) While economic development is an inherently local process, the Federal Government should work in partnership with public and private local, regional, tribal, and State organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity

(5) In order to avoid duplication of effort and achieve meaningful, long-lasting results, Federal, State, tribal, and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, and simplified and consistent requirements.

(6) Federal economic development efforts will be more effective if they are coordinated with, and build upon, the trade, workforce investment, transportation, and technology programs of the United States.

(b) DECLARATIONS.—In order to promote a strong and growing economy throughout the United States, Congress declares the following:

(1) Assistance under this Act should be made available to both rural and urban-disadvantaged communities.

(2) Local communities should work in partnership with neighboring communities, the States, Indian tribes, and the Federal Government to increase their capacity to develop and implement comprehensive economic development strategies to alleviate economic distress and enhance competitiveness in the global economy.

(3) Whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to support entrepreneurial activity to take advantage of the development opportunities afforded by technological innovation and open global markets.

SEC. 102. DEFINITIONS.

(a) ELIGIBLE RECIPIENT. —Section 3(a)(4) of Title 42, United States Code (42 U.S.C. 3009aa) is amended—

(1) by striking clause (i) and redesignating clauses (ii) through (vi) as clauses (i) through (vi), respectively;

(2) in clause (iv) (as so redesignated) by inserting "including a special purpose unit of a State or local government engaged in economic or infrastructure development activities," after "State".

(b) REGIONAL COMMISSIONS. —Section 3 (42 U.S.C. 3009aa) is amended—

(1) by redesignating paragraphs (8), (9), and (10) as paragraphs (9), (10), and (11), respectively; and

(2) by inserting after paragraph (7) the following:

(10) REGIONAL COMMISSIONS.—The term "Regional Commissions" means the following entities:

(A) The Appalachian Regional Commission established under chapter 143 of title 41, United States Code.

(B) The Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003aa et seq.).


(D) The Northern Great Plains Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003bb et seq.).

(C) UNIVERSITY CENTER. —Section 3 (42 U.S.C. 3009aa) is amended by adding at the end the following:

(12) UNIVERSITY CENTER.—The term "university center" means an institution of higher education or a consortium of institutions that provide education and related services to institutions of higher education or a consortium of institutions, and nonprofit organizations;

SEC. 103. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 (42 U.S.C. 3131) is amended—

(1) in subsection (b) by striking "and multi-State regional organizations" and inserting "multi-State regional organizations, and nonprofit organizations"; and

(2) in subsection (d)(1) by striking "adjoining" each place it appears.

SEC. 104. COORDINATION.

Section 103 (42 U.S.C. 3132) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary:";

(2) by striking subsection (a) (as so designated) by inserting "Indian tribes," after "districts," and
(3) by adding at the end the following:

"(b) MEETINGS.—To carry out the responsibilities in subsection (a), or for any other purpose related to economic development activities, the Secretary may convene meetings with Federal agencies, State and local governments, economic development districts and other appropriate planning and development organizations.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

SEC. 201. GRANTS FOR PLANNING.

Section 203(d) (42 U.S.C. 3143(d)) is amended—

(1) in paragraph (1) by inserting "to the maximum extent practicable," after "developed" as so inserted; and

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

"(3) COORDINATION.—Before providing assistance for a State plan under this section, the Secretary shall consider the extent to which the State will consider local and economic development district plans."; and

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

"(4) ASSESSMENT.—The Secretary shall—

(A) assign to a recipient an assessment of the recipient's responsibilities in subsection (a), or for any other purpose related to economic development activities, the Secretary may convene meetings with Federal agencies, State and local governments, economic development districts and other appropriate planning and development organizations.

SEC. 202. COST SHARING.

(a) FEDERAL SHARE.—Section 204(a) (42 U.S.C. 3144(a)) is amended to read as follows:

"(a) Federal share.—The Secretary shall determine the Federal share of the cost of projects carried out under this Act to the maximum extent practicable, as so determined has exhausted its borrowing capacity, or in the case of a grant to an Indian tribe for a project under this Act, which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary;";

and

(b) NON-FEDERAL SHARE.—Section 204(b) (42 U.S.C. 3144(b)) is amended by inserting "as specified in subsection (a)" after "equipment,".

(c) INCREASE IN FEDERAL SHARE.—Section 204 (42 U.S.C. 3144) is amended by adding at the end the following:

"(C) INCREASE IN FEDERAL SHARE.—

"(1) INDIAN TRIBES.—In the case of a grant to an Indian tribe for a project under this Act, the Secretary shall increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

"(2) CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective taxing and borrowing capacity, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

"(3) NATIONAL OR REGIONAL ELIGIBILITY.—In the case of a grant to a discrete community or neighborhood in a State, or in the case of a grant to a nonprofit organization that occupies that community, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

SEC. 203. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

Section 206 (42 U.S.C. 3146) is amended by adding at the end the following:

"(1) AMOUNT OF SUPPLEMENTARY GRANTS.—The share of the project cost supported by a supplementary grant under this section may not exceed the applicable Federal share under section 204 (42 U.S.C. 3144)."

"(2) FORM OF SUPPLEMENTARY GRANTS.—The Secretary shall make supplementary grants that—

(A) the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs; or

(B) the award of funds under this Act, which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary;"

and

(2) by striking paragraph (4).

SEC. 204. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

Section 206 (42 U.S.C. 3146) is amended—

(1) by striking "and" at the end of paragraph (1)(B);

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

(3) by adding at the end the following:

"(3) grants made under this title promote job creation and will have a high probability of meeting or exceeding applicable performance requirements established in connection with the grants.

SEC. 205. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 207(a)(2) (42 U.S.C. 3147(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by redesigning subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (C) the following:

"(G) studies that evaluate the effectiveness of coordinating projects funded under this Act with projects funded under other Acts; and"

(b) COOPERATION REQUIREMENT.—Section 207(a) (42 U.S.C. 3147(a)) is amended by adding at the end the following:

"(4) COOPERATION REQUIREMENT.—In the case of a project assisted under this section that is national or regional in scope, the Secretary may waive the provision in section 3(A)(iv) requiring a nonprofit organization or association to act in cooperation with officials of a State.

SEC. 206. PREVENTION OF UNFAIR COMPETITION.

Section 208 (42 U.S.C. 3148), and the item relating to section 208 in the table of contents, are repealed.

SEC. 207. GRANTS FOR ECONOMIC ADJUSTMENT.

(a) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.—Section 209(d) (42 U.S.C. 3149(d)) is amended by striking "an eligible recipient" each place it appears and inserting "a recipient".

(b) SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—Section 209 (42 U.S.C. 3149) is amended by adding at the end the following:

"(e) SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—

"(1) IN GENERAL.—The Secretary shall issue regulations to maintain the proper operation and financial integrity of revolving loan funds established by recipients with assistance under this section.

"(2) EFFICIENT ADMINISTRATION.—The Secretary may—

(A) at the request of a grantee, amend the terms and conditions of such grant agreement; or

(B) assign or transfer assets of a revolving loan fund to a third party for the purpose of

(1) liquidating such fund; or

(2) reducing the costs of administration associated with such fund; or

(3) utilizing the funds in accordance with subsection (a), with the approval of the originating agency; or

(4) return the funds to the originating agency.

SEC. 209. SPECIAL IMPACT AREAS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

"(b) SPECIAL IMPACT AREAS.

"(a) IN GENERAL.—On the application of an eligible recipient, the Secretary shall determine that the recipient is unable to comply with the requirements of section 302 and designate the area represented by the recipient as a special impact area.

"(b) WAIVERS.—Subject to the requirements of this section, the Secretary may—

(1) waive, in whole or in part, as appropriate, the requirements of section 302 with respect to a special impact area designated under subsection (a) if the Secretary determines that the waiver will carry out the purposes of the Act.

"(c) NOTIFICATION REQUIREMENT.—At least 30 days before issuing a waiver under this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written notice of the waiver, including a justification for the waiver.

"(d) AMENDING REQUIREMENT.—The table of sections contained in section 3(b) is amended by adding at the end the following:

"(e) SEC. 214. Special impact areas.

SEC. 214. PERFORMANCE INCENTIVE GRANTS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:
(a) IN GENERAL.—The Secretary may make a performance incentive grant in connection with a project grant made, on or after the effective date of this section, to an eligible recipient under section 201 or 203.

(b) PERFORMANCE MEASURES.—

(1) REGULATIONS.—The Secretary shall issue regulations to establish performance measures for making performance incentive grants under this section.

(2) CONSIDERATIONS.—In issuing regulations under paragraph (1), the Secretary shall consider including performance measures to assess the following factors:

(A) Whether the recipient meets or exceeds schedule goals;

(B) Whether the recipient meets or exceeds job creation goals;

(C) Amounts of private sector capital investments leveraged;

(D) Such other factors as the Secretary determines appropriate.

(c) AMOUNT OF GRANTS.—

(1) IN GENERAL.—The Secretary shall base the amount of a performance incentive grant under subsection (a) on the extent to which a recipient meets or exceeds performance measures established in connection with the applicable project grant.

(2) MAXIMUM AMOUNT.—The amount of a performance incentive grant may not exceed 10 percent of the amount of the applicable project grant.

(3) FEDERAL SHARE.—Notwithstanding section 204, the amounts of a performance incentive grant used for up to 100 percent of the cost of an eligible project or activity. For the purposes of meeting the non-Federal share requirements of this Act, or any other Act, the amounts of a performance incentive grant shall be treated as funds from a non-Federal source.

(d) USE OF PERFORMANCE INCENTIVE GRANTS.—A recipient of a performance incentive grant under subsection (a) may use the grant for any eligible purpose under this Act, in accordance with section 602 and such regulations as the Secretary may prescribe.

(e) TERMS AND CONDITIONS.—In making performance incentive grants under subsection (a), the Secretary shall establish such terms and conditions as the Secretary considers appropriate.

(f) REVIEW BY COMPTROLLER GENERAL.—

(1) REVIEW.—The Comptroller General shall review the implementation of this section in each fiscal year.

(2) ANNUAL REPORT.—Not later than one year after the date of enactment of this section, and each year thereafter, the Comptroller General shall transmit to the Committee the annual report required under section 203.

(g) GRANTS TO HIGHEREDUCATION INSTITUTIONS.—The Secretary shall include in the annual report required by paragraph (1) an evaluation of the extent to which the performance incentive grants under this section are being used by higher education institutions.

(h) REVIEW BY COMPTROLLER GENERAL.—

(1) REVIEW.—The Comptroller General shall review the implementation of this section in each fiscal year.

(2) ANNUAL REPORT.—Not later than one year after the date of enactment of this section, and each year thereafter, the Comptroller General shall transmit to the Committee the annual report required by section 203.

SEC. 212. BROWNFIELDS REDEVELOPMENT.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 212. BROWNFIELDS REDEVELOPMENT.

"(a) IN GENERAL.—On the application of a qualified eligible recipient, the Secretary may make grants under sections 201, 203, 207, and 209 for projects to expand, redevelop, or reuse brownfield sites.

"(b) LIMITATIONS.—Projects carried out under this section shall be subject to the limitations of section 210(a)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B))."

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) BROWNFIELD SITE.—The term ‘brownfield site’ has the meaning given such term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)).

(2) QUALIFIED ELIGIBLE RECIPIENT.—The term ‘qualified eligible recipient’ means an eligible recipient that meets the following:

(A) Meets the definition of a qualified eligible recipient in section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)).

(B) DETERMINATION.—In this section, the following apply:

(1) BRIGHTFIELDS SITE.—The term ‘brightfields site’ means a brownfield site as defined in paragraph (2) that is redeveloped through the incorporation of solar energy technologies.

(2) QUALIFIED ELIGIBLE RECIPIENT.—The term ‘qualified eligible recipient’ has the meaning given such term in section 217.
(1) In the first sentence by striking “in accordance with” and all that follows before the period at the end and inserting “in accordance with subsection (IV) of chapter 31 of title 40, United States Code;” and  
(2) In the third sentence by striking “section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)” and inserting “section 3145 of title 40, United States Code.”

(b) EVALUATION CRITERIA.—Section 506(d)(2) (42 U.S.C. 3196(d)(2)) is amended by inserting “program performance,” after “applied research.”

TITLE VI—MISCELLANEOUS

SEC. 601. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAW.

Section 609 (42 U.S.C. 3219) is amended—
(1) in subsection (a) by striking the period at the end and inserting “,” after “the Economic Development Administration”;
(2) in subsection (b) by striking “as the term is defined by the Economic Development Administration”;
(3) in subsection (c) by striking “as defined in subsection (b)”; and
(4) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

SEC. 602. Sense of Congress regarding economic development representatives.

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 701 (42 U.S.C. 3232) is amended to read as follows:

“SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

“(a) ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.—There are authorized to be appropriated for economic development assistance programs to carry out this Act—

(1) $400,000,000 for fiscal year 2004;
(2) $425,000,000 for fiscal year 2005;
(3) $450,000,000 for fiscal year 2006;
(4) $475,000,000 for fiscal year 2007; and
(5) $500,000,000 for fiscal year 2008.

Such sums shall remain available until expended.

(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of administering this Act—

(1) $33,377,000 for fiscal year 2004;
(2) $33,377,000 for fiscal year 2005;
(3) $33,377,000 for fiscal year 2006; and
(4) $33,377,000 for fiscal year 2007.

SEC. 801. FINDINGS AND DECLARATIONS.

Section 801 (42 U.S.C. 3232(a)) is amended by inserting “,” after “distressed communities,” before “and”, and inserting “or multi-State regional organizations, and non-profit organizations,” after “ developed by and available to both rural- and urban-distressed communities.”

SEC. 802. Economic development strategies to regional development partnerships.

SEC. 901. Findings.

SEC. 1001. Economic development partnerships.

SEC. 1002. Grants for economic development partnerships.

SEC. 1003. Establishment of a multi-State regional organization.

SEC. 1004. Coordination.

Section 1004 (42 U.S.C. 3232) is amended—
(1) in the first sentence by striking “in accordance with” and all that follows before the period at the end and inserting “in accordance with subsection (IV) of chapter 31 of title 40, United States Code;” and
(2) by striking “(b) ASSISTANCE UNDER OTHER ACTS.—”.

SEC. 1005. Regional development partnerships.

SEC. 1006. Authorization of appropriations.

SEC. 1007. Program performance.

SEC. 1008. Assistance for economic development partnerships.

SEC. 1009. Reports.

SEC. 1010. Repeal.

SEC. 1011. Repeal.

SEC. 1012. Repeal.

SEC. 1013. Repeal.

SEC. 1014. Repeal.

SEC. 1015. Repeal.

SEC. 1016. Repeal.

SEC. 1017. Repeal.

SEC. 1018. Repeal.

SEC. 1019. Repeal.

SEC. 1020. Repeal.

SEC. 1021. Repeal.

SEC. 1022. Repeal.

SEC. 1023. Repeal.

SEC. 1024. Repeal.

SEC. 1025. Repeal.

SEC. 1026. Repeal.

SEC. 1027. Repeal.

SEC. 1028. Repeal.

SEC. 1029. Repeal.

SEC. 1030. Repeal.

SEC. 1031. Repeal.

SEC. 1032. Repeal.

SEC. 1033. Repeal.

SEC. 1034. Repeal.
TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

SEC. 201. GRANTS FOR PLANNING.

Section 203(d) (42 U.S.C. 3143(d)) is amended—
(1) by inserting "(a) IN GENERAL.—" before "The Secretary;"
(2) in subsection (a) (as so designated) by inserting "Indian tribes," after "districts," and "(2) IN GENERAL. —The Secretary shall consider the extent to which the State will consider local and economic development district plans.

SEC. 202. COST SHARING.

(42 U.S.C. 3144) is amended by adding at the end
(3) in paragraph (4)—
(A) by striking "and" at the end of subparagraph (C);
(B) by redesignating subparagraph (D) as subparagraph (E); and
(C) by adding after subparagraph (C) the following:
"(D) assist in carrying out a State's workforce investment strategy; and".

SEC. 203. GRANTS FOR PLANNING.

Section 204(a) (42 U.S.C. 3144(a)) is amended to read as follows:
(a) FEDERAL SHARE.—Section 204(a) (42 U.S.C. 3144(a)) is amended to read as follows:
1. (a) FEDERAL SHARE.—The Secretary shall set aside the Federal share of the cost of projects carried out under this title based on the relative needs of the areas in which the projects will be located. Except as provided in subsection (c), the Federal share of the cost of any project carried out under this title shall not exceed 80 percent;".
(b) NON-FEDERAL SHARE.—Section 204(b) (42 U.S.C. 3144(b)) is amended by inserting "asumptions of debt," after "equipment,".
(c) INCREASE IN FEDERAL SHARE.—Section 204 (42 U.S.C. 3144) is amended by adding at the end the following:
"(c) INCREASE IN FEDERAL SHARE.—
(1) INDIAN TRIBES.—In the case of a grant to an Indian tribe for a project under this title, the Secretary may use Federal share funds to increase the percentage specified in subsection (a) up to 100 percent of the cost of the project.
(2) CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.—In the case of a grant to a State, a political subdivision of a State, that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective borrowing capacity, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.
(d) PLANNING GRANTS.—Section 204 (42 U.S.C. 3144) is further amended by adding at the end the following:
"(d) PLANNING GRANTS.—Notwithstanding subsection (a), the Federal share of the costs of planning activities under section 203 shall be at least 65 percent and not more than 80 percent;"
SEC. 204. GRANTS FOR PLANNING.

(a) IN GENERAL.—Section 205(c) (42 U.S.C. 3145(c)) is amended by adding at the end the following:
"(1) in paragraph (3) and (2) inserting the following:
"(C) by adding after subparagraph (D) the following:
"(1) by striking paragraphs (1) and (2) and inserting the following:
"(B) the award of funds under this Act, which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary;".

SEC. 205. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 207(a)(2) (42 U.S.C. 3147(a)(2)) is amended—
(1) by striking "and" at the end of subparagraph (E);
(2) by redesignating subparagraph (G) as subparagraph (H); and
(3) by adding after subparagraph (F) the following:
"(G) studies that evaluate the effectiveness of coordinating projects funded under this Act with projects funded under other Acts; and"

SEC. 206. PREVENTION OF UNFAIR COMPETITION.

Section 208 (42 U.S.C. 3148), and the item relating to section 208 in the table of contents contained in section 105, are repealed.

SEC. 207. GRANTS FOR ECONOMIC ADJUSTMENT.

(a) DIRECT EXPENDITURE OR REDEMPTION BY RECIPIENT.—Section 209(d) (42 U.S.C. 3149(d)) is amended by striking "an eligible recipient" each place it appears and inserting "a recipient"

SEC. 208. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

Section 211 (42 U.S.C. 3151) is amended to read as follows:
"SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

(a) IN GENERAL.—In the case of a grant to a recipient for a construction project under section 201 or 209, if the Secretary determines, before the initiation of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve, without further appropriations action, the use of the excess funds (or a portion of the excess funds) by the recipient to increase the Federal share of the cost of a project under this title to the maximum percentage allowable under section 204 or to improve the project.
"(b) OTHER USES OF EXCESS FUNDS.—Any amount of excess funds remaining after application of subsection (a) may be transferred to the Secretary for providing assistance under this Act.
"(c) TRANSFERRED FUNDS.—In the case of excess funds described in subsection (a) in projects utilizing funds transferred from other Federal agencies pursuant to section 604, the Secretary shall—
(1) utilize the funds in accordance with subsection (a), with the approval of the originating agency; or
(2) return the funds to the originating agency.

SEC. 209. SPECIAL IMPACT AREAS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:
"SEC. 214. SPECIAL IMPACT AREAS.

(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may determine that the recipient is unable to comply with the requirements of section 302 and designate the area as a special impact area.
"(b) WAIVERS.—Subject to the requirements of this section, the Secretary may, in whole or in part, as appropriate, the requirements of section 302 with respect to a special impact area designated under subsection (a) if the Secretary determines that the waiver will carry out the purposes of the Act.
"(c) NOTIFICATION REQUIREMENT.—At least 30 days before issuing a waiver under this section,
the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written notice of the waiver, including a justification for the waiver.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 213 the following:

"Sec. 214. Special impact areas."

SEC. 210. PERFORMANCE AWARDS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 215. PERFORMANCE AWARDS.

(a) IN GENERAL.—The Secretary may make a performance award in connection with a grant made, or on or after the date of enactment of this section, to an eligible recipient for a project under section 201 or 209.

(b) PERFORMANCE MEASURES.—

(1) REGULATIONS.—The Secretary shall issue regulations to establish performance measures for making performance awards under subsection (a).

(2) CONSIDERATIONS.—In issuing regulations under paragraph (1), the Secretary shall consider including performance measures that assess the following:

(A) Whether the recipient meets or exceeds scheduling goals.

(B) Whether the recipient meets or exceeds job creation goals.

(C) Amounts of private sector capital investments leveraged.

(D) Such other factors as the Secretary determines appropriate.

"(c) AMOUNT OF AWARDS.—

(1) IN GENERAL.—The Secretary shall base the amount of a performance award made under subsection (a) in connection with a grant on the amount of the grant.

(2) LIMITATIONS.—A recipient of a performance award under subsection (a) may not exceed 10 percent of the amount of the grant.

"(d) USE OF AWARDS.

(1) IN GENERAL.—A recipient of a performance award under subsection (a) may use the award for any eligible purpose under this Act, in accordance with section 203 to a for-profit entity.

(2) LIMITATIONS.—A recipient of a performance award under subsection (a) may not exceed 5 percent of the amount of the grant.

(3) USE OF AWARDS.—A recipient of a planning performance award under subsection (a) shall use the amount of a planning performance award to an eligible recipient in connection with a grant for a project if the Secretary determines before closeout of the project that—

(A) the recipient actively participated in the economic development activities of the economic development district in which the project is located;

(B) the project is consistent with the comprehensive economic development strategy of the district;

(C) the recipient worked with Federal, State, and local economic development entities throughout the development of the project; and

(D) the project was completed in accordance with the comprehensive economic development strategy of the district.

(e) FEDERAL SHARE.—Notwithstanding section 204, the amounts of a planning performance award may be used for up to 100 percent of the cost of a project under this title.

(f) FUNDING.—The Secretary shall carry out this section using any amounts made available for economic development assistance programs.

(g) CONFIRMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 215 the following:

"Sec. 216. Planning performance awards."

SEC. 211. PLANNING PERFORMANCE AWARDS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 215. PLANNING PERFORMANCE AWARDS.

(a) IN GENERAL.—The Secretary may make a planning performance award in connection with a grant made, on or after the date of enactment of this section, to an eligible recipient for a project under the Act located in an economic development district.

(b) ELIGIBILITY.—The Secretary may make a planning performance award to an eligible recipient under subsection (a) in connection with a grant for a project if the Secretary determines before closeout of the project that—

(1) the recipient actively participated in the economic development activities of the economic development district in which the project is located;

(2) the project is consistent with the comprehensive economic development strategy of the district; and

(3) the recipient worked with Federal, State, and local economic development entities throughout the development of the project.

(c) MAXIMUM AMOUNT.—The amount of a planning performance award made under subsection (a) in connection with a grant may not exceed 5 percent of the amount of the grant.

(d) USE OF AWARDS.—A recipient of a planning performance award under subsection (a) may use the award to increase the Federal share for the cost of a project under this title.

(e) FEDERAL SHARE.—Notwithstanding section 204, the amounts of a planning performance award may be used for up to 100 percent of the cost of a project under this title.

(f) FUNDING.—The Secretary shall carry out this section using any amounts made available for economic development assistance programs.

(g) CONFIRMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 215 the following:

"Sec. 216. Planning performance awards."

SEC. 212. SUBGRANTS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 217. SUBGRANTS.

(a) IN GENERAL.—Subject to subsection (b), a recipient of a grant under section 201, 203, or 207 may directly expend the grant funds or may redistribute the funds in the form of a grant to other eligible recipients to fund required components of the scope of work approved for the project.

(b) LIMITATION.—A recipient may not redistribute grant funds received under section 201 or 203 to a for-profit entity.

(c) CONFIRMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 216 the following:

"Sec. 217. Subgrants."

SEC. 213. BROWNFIELDS REDEVELOPMENT.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 218. BROWNFIELDS REDEVELOPMENT.

(a) IN GENERAL.—On the application of a qualified eligible recipient, the Secretary may make grant awards under sections 201, 203, 207, and 209 for projects to expand, redevelop, or reuse brownfield sites.

(b) LIMITATIONS.—Projects carried out under this section shall be subject to the limitations of section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(4)(B)); except that recipients may use grant funds awarded under this section for the administrative costs of economic development activities.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) BROWNFIELD SITE.—The term ‘brownfield site’ has the meaning given such term in section 104(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(1)).

(2) QUALIFIED ELIGIBLE RECIPIENT.—The term ‘qualified eligible recipient’ means a public subdivision acting in cooperation with officials of a political subdivision of a State.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 217 the following:

"Sec. 218. Brownfields redevelopment."

SEC. 214. BRIGHTFIELDS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—On the application of a qualified eligible recipient, the Secretary may make a grant for a project for the development of brightfield sites if the Secretary determines that the project will—

(1) utilize solar energy technologies to develop abandoned or contaminated sites for commercial use; and

(2) improve the commercial and economic opportunities in the area where the project is located.

(b) LIMITATIONS.—Projects carried out under this section shall be subject to the limitations of section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(4)(B)); except that the terms may include a nonprofit organization acting in cooperation with officials of a political subdivision of a State.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 218 the following:

"Sec. 219. Brightfields demonstration program."

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

SEC. 301. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

(a) IN GENERAL.—Section 302(a)(3)(A) (42 U.S.C. 3162(a)(3)(A)) is amended by inserting
"maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy," after "access," after "access.

(a) APPROVAL OF OTHER PLAN.—Section 302(c) (42 U.S.C. 3162(c)) is amended by adding at the end the following: "To the maximum extent practicable, a plan submitted under this paragraph shall be consistent and coordinated with any existing comprehensive economic development strategy for the area.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

SEC. 401. INCENTIVES.
Section 403 (42 U.S.C. 3173), and the item relating to section 403 in the table of contents contained in section 1(b), are repealed.

SEC. 402. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

(a) IN GENERAL.—Section 404 (42 U.S.C. 3174) is amended to read as follows:

"SEC. 404. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

"If any part of an economic development district in a region covered by one or more of the Regional Commissions (as defined in section 3), the economic development district shall ensure that a comprehensive economic development strategy of the district is provided to the affected Regional Commission.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) is amended by striking the item relating to section 404 and inserting the following:

"SEC. 404. Provision of comprehensive economic development strategies to Regional Commissions.

TITLE V—ADMINISTRATION

SEC. 501. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.
Section 502 (42 U.S.C. 3192) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) maintain a central information clearinghouse on the Internet with—

(A) information on economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal Government;

(B) links to State economic development organizations; and

(C) links to other appropriate economic development resources;

(2) by striking paragraph (2) and inserting the following:

"(2) assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal and State laws in locating and applying for the assistance;

(3) by striking the period at the end of paragraph (3) and inserting ";

and;

(4) by adding at the end the following:

"(4) obtain and maintain appropriate information from other Federal agencies needed to carry out the duties under this Act."

SEC. 502. BUSINESSES DESIRING FEDERAL CONSTRUCTION.
Section 505 (42 U.S.C. 3195), and the item relating to section 505 in the table of contents contained in section 1(b), are repealed.

SEC. 503. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.
Section 506(c) (42 U.S.C. 3196(c)) is amended by striking "after the effective date of the Economic Development Administration Reform Act of 1998".

SEC. 504. CONFORMING AMENDMENTS.

(a) STANDARDS.—Section 602 (42 U.S.C. 3212) is amended—

(1) in the first sentence by striking "in accordance with" and all that follows before the period at the end and inserting "in accordance with chapter IV of title 31 of title 40, United States Code;" and

(2) in the third sentence by striking "section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 216c)" and inserting "section 3145 of title 40, United States Code;"

(b) EVALUATION CRITERIA.—Section 506(d)(2) (42 U.S.C. 3196(d)(2)) is amended by inserting "program's performance, after "applied research,"

TITLE VI—MISCELLANEOUS

SEC. 601. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAWS.

Title 609 (42 U.S.C. 3219) is amended—

(1) by striking subsection (a); and

(2) by striking "(b) ASSISTANCE UNDER OTHER Acts."

SEC. 602. SENSE OF CONGRESS REGARDING ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—Congress finds the following:

(1) Planning and coordination among Federal agencies, State and local governments, Indian tribes, and economic development districts is vital to the success of an economic development program.

(2) Economic Development Representatives of the Economic Development Administration provide direct assistance necessary to foster this planning and coordination.

(3) In the past five years, the number of Economic Development Representatives has declined by almost 25 percent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the number of representatives should be sufficient to provide effective assistance to distressed communities and foster economic growth and development among the States.

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.
Section 701 (42 U.S.C. 3231) is amended to read as follows:

"SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.

"(a) ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.—There are authorized to be appropriated for economic development assistance programs to carry out this Act—

(1) $400,000,000 for fiscal year 2004;

(2) $425,000,000 for fiscal year 2005;

(3) $450,000,000 for fiscal year 2006;

(4) $475,000,000 for fiscal year 2007; and

(5) $500,000,000 for fiscal year 2008.

Such sums shall remain available until expended.

(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of administering this Act $33,377,000 for fiscal year 2004 and such sums as may be necessary for each fiscal year thereafter. Such sums shall remain available until expended.

TITLE VIII—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 801. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 4102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting "Nicholas," after "Morgan," and;

(2) by inserting "Robertson," after "Pulaski," and;

(b) OHIO.—Section 4102(a)(1)(H) of such title is amended—

(1) by inserting "Ashtabula," after "Adams," and

(2) by inserting "Fayette," after "Coshohcton," and

(3) by inserting "Mahoning," after "Lawrence," and;

(c) TENNESSEE.—Section 4102(a)(1)(K) of such title is amended—

(1) by inserting " Giles," after "Franklin," and;

(2) by inserting "Lawrence, Lewis, Lincoln," after " Knox."
member on the subcommittee the gentlewoman from the District of Columbia (Ms. NORTON) for helping us put this legislation together. I urge my colleagues to join me in supporting it.

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

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

Mr. Speaker, first I want to commend the committee for the several hearings he conducted those hearings so as to bring out many new ideas that have improved this bill. Therefore, in support of H.R. 2535 as amended by the manager's amendment, a bill to reauthorize the program authorized by the Public Works and Economic Development Act of 1965.

This bill will reauthorize the Economic Development Administration for 5 years and provide authorization for sufficient funding levels to carry out its statutory obligations to provide economic opportunities in distressed areas. This bill has been of great importance to many struggling rural communities in our country and has very strong bipartisan support in this body.

The bill being considered this morning authorizes some new concepts, such as performance grants, and reinforces some tried and true approaches, such as ensuring economic development proceeds with close cooperation between local governments and Federal partners. This new concept is the authorization of a performance grant program. Under this new program, grantees that meet or exceed goals for projects scheduled, jobs creation and financial leverage will be eligible for a performance grant of up to 10 percent of the project grant.

Further, for purposes of this act, the grantee can consider the proceeds as local funds to meet the non-Federal share requirements of this or other economic development acts. This is a new and innovative approach to rewarding high performance and provides the grantees with a tangible asset for future use. This will, we think, bring important new efficiencies to a program where there was already great efficiency according to many who testified.

The bill also authorizes the Secretary for major grants for projects to expand, redevelop or reuse brownfields sites. This is a much needed authority for major industrial sites.

I also appreciate the consideration the committee gave to my own interest in urban areas and the expertise and resources they can bring to small and disadvantaged communities, just as they are well known to bring such advantages to big cities. Report language will highlight the committee's intent that the EDA should consider increasing the number of university centers. With the increase in authorized sums, I hope new university centers will become a reality.

Most of the districts that will benefit from this bill are rural communities, some of them very small, some of them larger communities. Many communities wanted to be part of this bill because of its long history of promoting economic development and leveraging local money where otherwise that would be very difficult. Although, I represent a highly-urbanized district, I certainly know firsthand the singular importance of economic development, the benefits associated with the communities that are created with a strong, vibrant economic development program and, of course, the persistent need for funding to transform ideas into reality.

At the April hearing on economic development, I mentioned the recent opening of the new Washington Convention Center and the immediate economic effect that it is having on my community and on the residents and community at large, including the entire region. I thank Chairman YOUNG and Ranking Member OBERSTAR for their constant and beneficial leadership on this bill. I also extend my personal thanks and congratulations to the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia, Ms. NORTON, for her good work on the reauthorization of the Economic Development Administration.

The programs under the EDA are tremendously vital to rural areas. Without economic development investment in rural economies, many of these communities would lack the resources to attract the next generation of manufacturing jobs and they would wither and dry up.

The reauthorization passed in the 105th Congress focused these programs toward serving the most needy, and I am pleased this reauthorization will continue to build upon those achievements. I have seen firsthand how the past reauthorization has focused Federal dollars to target communities that lack the resources.

I want to give my colleagues a few examples. When Knox Glass closed in Clarion County, it was EDA who stepped up to the plate with a grant that allowed them to build a new industrial park there on 80 and replace many of those jobs. When Franklin Steel closed, it was an EDA grant that allowed Franklin Industries to reopen that factory and have several hundred people working there. When Kendall Refining closed in McKean County, and now we reopened American Refineries, it was an EDA grant that allowed that to happen. When the Stackpole Corporation in McKean County left Elk County in Pennsylvania, it was an EDA grant through the North Central Planning Commission that now has 200 and 300 people working in different companies within that complex.

And when the Cyclons Plant closed 5 miles from my home and 1,000 good jobs went down the drain, it was an EDA grant that allowed that facility to be taken over by a local development agency, and there are several hundred jobs and about 20 companies providing employment there today.

Do we need it in the future? Yes, we do. In my 16-county rural district in Pennsylvania, we have lost 17,000 manufacturing jobs in the year 2001 and 2002 alone and we need an expanded EDA. We need an EDA with more money, with a bigger budget. And I am here today on behalf of the reauthorization of this agency because their structure allows them to continue to serve those communities that have been devastated by losing their major employer and give that grant that is the glue that will put an economic opportunity back there in those communities.

Rural America is in trouble. We need a bigger, stronger EDA to help us. They have an agency with a good track record. I want to commend Secretary David Sampson for his strong leadership there, and I want to commend the committee for their good work in bringing forth this reauthorization.

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

I want to thank the gentleman who has just spoken. I want him to know that I think I speak for the chair, as well as myself, when I say it was heartbreaking not to have more money for this bill because of the way in which communities came forward and wanted to be included. But we thought that pretty soon you are going to have every community from a rural area in the United States included in this bill, and for good reason. What made it heartbreaking, of course, is that we are not just talking about another bill that will throw some money out here for communities, even hard-pressed communities. What was really so rewarding was to hear experts who had looked at the program testify as to its benefits and its efficiency.

There came a time when the hearings when I wondered if I was hearing a discussion of a Federal program when its efficiencies were being touted the way they were. What the chairman and I did was to work on making these efficiencies even more widespread, with new ways to not only to improve performance but to reward performance. I do want to say a word about rewarding performance. The incentive portion
this bill will also mean that the private sector, whose resources get leveraged as well, will understand why this bill is important for their participation, because they understand incentives. The joining of the performance with incentives, which means that some of that actual money comes back to you to help support a model I would like to see in other Federal legislation as well. I regret that there was not more money. I applaud the fact that there is a greater amount than before. I thank the gentleman from Connecticut (Mr. HOEKSTRA) for his hard work on this bill.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume to make a couple of observations. One, to thank the gentleman from Pennsylvania for his eloquent statement. I think as he recited those communities that have been helped by the EDA, that was the only commercial that I wanted to read for the reauthorization of this valuable program. In the exhaustive hearings that we had on this issue where the gentlewoman from the District and I had the opportunity to listen to economic development experts from around the country, they talked about the fact that the average size of EDA grant is $600,000. So we are not talking about hundreds of millions, we are not talking about billions, but that $600,000 when then translated into the local community and what it meant, as recounted by the gentleman from Pennsylvania, I think was truly remarkable. It really is life-changing and community-changing money, and the work that they do is certainly not only well-spent but it is productive.

The second piece, the amendment that was self-executed by the agreement of the House of yesterday, I think, is important in that we have added 32 counties to the Appalachian Regional Commission. Some people expressed concern about that, particularly those communities that are already located within the ARC. I want to highlight and commend the distinguished work of one of our committee members, the gentlewoman from West Virginia (Ms. CAPITO) that was concerned about the fact that that might stress the resources. She made sure that an amendment was included therein that also made sure that there were sufficient funds so that that fine organization could continue its work and continue its work at a fiscally responsible level.

Mr. LATOURETTE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding me this time and allowing me the opportunity to speak on this bill. I am enthusiastic about this bill. It has bipartisan support, supported by development organizations. It is supported by the U.S. Conference of Mayors, the Education Association of the University Centers. So it has clearly met the needs of a number of folks. But as we take a look at what the bill does specifically, it creates a new program that allows for the designation of special impact areas which allows the Secretary to reform reauthorization requirements to help isolated areas in distressed communities.

This designation, I think, really will enable the Secretary to respond more quickly to get help to those areas, to make sure that communities need it and when they need it, they need it quickly. It creates a performance-based incentive program that rewards high performance, as determined by criteria established in regulations, with a bonus of up to 10 percent of the project cost that can be used on other eligible activities. Again, these reforms focus on getting better results. It creates a planning performance award equal to 5 percent of the total amount of the award prior to closeout of a grant if the recipient satisfies four mandated criteria. And as with any program or any reform, it removes outdated and burdensome administrative procedures.

It updates several citations and allows for subgranting of assistance to eligible recipients. It also authorizes the issuance of grants for brownfields redevelopment. Again, important in many communities because if we want to revitalize a community, what we want to do is we want to revitalize those areas that we classify as brownfields. It also allows the EDA to explore the use of photovoltaic technology in brownfield redevelopment on a limited basis, again, enabling us to use perhaps break-through technology in cleaning up the brownfields. So I rise in strong support of H.R. 2535, the Economic Development Administration Reauthorization bill, and I thank my colleague.

Mr. LATOURETTE. Mr. Speaker, we have heard from several speakers show up here, and I am not sure whether the gentlewoman from the District of Columbia was expecting that. So I would ask unanimous consent that the time that she has yielded back be restored to her in case she wants to make some observations.

The SPEAKER pro tempore (Mr. SHAW). Without objection, the gentlewoman from the District of Columbia's (Ms. NORTON) time is restored.

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

Mr. HAYES. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for his hard work and dedication in increasing economic opportunities through the reauthorization of the Economic Development Administration.

I strongly support this legislation. Established in 1965, the EDA was created in an effort to improve conditions of substantial and persistent economic distress throughout the United States. I am fortunate to have been able to work with the EDA, and specifically Dr. David Sampson, on economic development issues that are vitally important to the future and the people of the eighth district of North Carolina.

H.R. 2535 requires Federal agencies to coordinate their workforce investment initiatives, including a requirement for comprehensive economic development strategies, CEDS, to maximize the effective use of workforce investment strategies. Our CEDS committee is a local collaboration of the Appalachian Regional Commission and Judy Stevens and comprised of local economic development, education, and chamber officials. With the hard work of Dr. Sampson and his staff at EDA, our CEDS committee is coming closer to a final recommendation to present to EDA which will serve as a blueprint for regional economic development for the eighth district of North Carolina.

With relatively small investments of Federal funds, the EDA has been able to achieve remarkable successes and changing the economic outlook for many citizens. As an example, since 1965, the Appalachian Regional Commission has invested over $400 million toward transportation, business development, education, health care, and community projects in North Carolina. As a direct result of this investment, poverty rates in the commission region have been cut almost in half.

These are real results for real people, and I look forward to continuing to work with Dr. Sampson and the EDA as we continue to address economic development and jobs in areas such as the eighth district of North Carolina. I am hopeful that the 108th Congress will authorize the Southeast Crescent Authority, or SECA, which will provide 428 counties in the southeastern United States access to Federal funds and expertise that will support increased economic opportunity, prosperity, and jobs for our citizens.

I again thank the gentleman from Ohio (Mr. LATOURETTE) for his service and leadership on his issue, and I support the bill strongly.

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

I thank the gentleman for moving to restore my time by unanimous consent. And since we do have the time, I want to note how long-lasting this bill has been. I mentioned that it was first authorized in 1965 when the President was Lyndon Johnson. It was a bipartisan bill then, and it remains bipartisan today. And it comes at a time of special need for such a bill.

Since January, 2001, if we look nationwide, the number of unemployed have increased by 50 percent. We know what that means in big cities because of the media in big cities. The effect on small communities is far more serious and what they do not have is economic development vehicles in the first place and because those areas by definition have found it harder to attract the vehicles on their own.
The importance of this bill is that it has given the signal to the private sector to come on in, and the bill is so successful because that is exactly what the private sector has done in rural communities where they would not have been coming without the Economic Development Act. So these grants are critical to economic development in good times and in poor times. They keep economic development alive very often. And what kind of money are we talking about? The chairman indicated the size of the leverage grant. When we come on the floor with a bill that authorizes $400 million for fiscal year 2004 and $500 million by the year 2008, we are really talking pocket change for bills that came before this body. And look at what it does. Hundreds of millions more is leveraged from private resources because of this bill.

I am very proud of the work the committee has done, but I am prouder still of what it is doing in the form of benefits to rural communities and efficiencies that they had incorporated into their own economic development work.

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

Mr. LA TOUTRETT. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, thank you for yielding me this time, and I congratulate him and the ranking member on bringing this important legislation to the floor. And I am rising in strong support of passage of H.R. 2535.

I would like to share a very personal story. Sometimes we talk in grand pictures and sometimes abstract pictures about our impact of legislation. I want to cite for the Members of this body a very specific example. In 1995 with the BRAC closures, the Base Realignment and Closure Act, the Fitzsimmons Army Medical Hospital in Aurora, just on the edge of Denver, found itself on that list. And one can imagine the impact on a community when it finds out that about 4,500 jobs, both direct and indirect, are going to be lost from that community, a tremendous financial and economic impact to a relatively small neighborhood and a community.

To make lemonade out of lemons, the EDA came in with some assistance, provided assistance in the form of an infrastructure grant to provide basic infrastructure needs, transportation needs for this old Army base. That Army base now is going to be home for a health sciences center, a collaborative health sciences center, involving the University of Colorado and Health Sciences. We hope the Veterans Hospital will move there. We have a cancer center there, an eye center there. A bioethics clinic is locating there.

A long story made short, 35,000 jobs, 35,000 jobs are expected to be on that site by the year 2010, 35,000 high-paying jobs. And indirectly we estimate 66,000 jobs will come to Colorado in large part because of the EDA’s willingness to step up to the plate, be a partner with the community in redeveloping a site and creating a huge opportunity.

Net gains in Colorado for a $5.1 million grant by the EDA to provide this basic infrastructure, as the ranking member just cited a minute ago, so as to attract private industry, it is estimated that by 2010, $3.1 billion will be generated for the Colorado economy and $6.3 billion once the site is fully developed in all years.

So it is with great pride that I again compliment the chairman and the ranking member on bringing this legislation to the floor and with great confidence that we can strongly support this legislation.

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

To close, I just want to remind Members of what the mission is of this bill that was declared in 1965, to enhance community success in attracting private capital investment and lucrative job opportunities. This is not a classic public works program. What we are providing, Mr. Speaker, is seed money, and the confidence that is worth putting on the record. The average project, EDA project, leverages $10 million in private sector investment for every $1 million in Federal assistance. And I quote earlier of the efficiency of this program that was presented at hearings. Here is an indication of that: 99 percent, that is 99 percent, which is a rare number on this floor, of EDA infrastructure projects are completed as planned and 91 percent of projects are completed on time. Would that we could say that about some other projects I can think of. I will not even mention the Visitors Center.

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

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

I again thank the gentlewoman from the District of Columbia, who has truly been a wonderful cooperative partner during this first year of the 108th Congress, and I look forward to a good number of legislative successes with her in the coming year.

Mr. OXLEY. Mr. Speaker, I rise in strong support of H.R. 2535, the Economic Development Administration Reauthorization Act, offered by my colleague from the great state of Ohio, Mr. LA TOUTRETT, and urge its immediate passage. As you know, the Committee on Financial Services has jurisdiction over aid to economic development and has jurisdiction received an additional referral of the bill.

Mr. Speaker, while the country experienced hardships and economic distress, but also on dealing with sudden economic impact brought on by the closing of, say, a military base or a large manufacturer or group of manufacturers, in a short period of time, the United States economy experiences the loss of some manufacturing jobs due to increased foreign competition, it is imperative for us to find or stimulate new jobs for displaced workers, and the EDA is an important tool in this passage.

David A. Sampson, Assistant Secretary of Commerce for Economic Development, is fond of saying that President Bush is committed to increasing the productivity and wealth of the American economy, and then noting that the President’s Program for Economic Development Act is aimed at leveraging public and private sector investments, creating or retaining long-term private-sector jobs and generating industrial and commercial development in both urban and rural areas.

Importantly, Mr. Speaker, the EDA is focused not only on reversing or mitigating the effects of long-term economic distress, but also on dealing with sudden economic impact brought on by the closing of, say, a military base or a large manufacturer or group of manufacturers, in a short period of time. As President Bush has said, the United States economy experiences the loss of some manufacturing jobs due to increased foreign competition, it is imperative for us to find or stimulate new jobs for displaced workers, and the EDA is an important tool in this passage.

BY Order of the House October 21, 2003
I support this bill and I urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2535, as amended by the manager's amendment, a bill to reauthorize the Economic Development Administration (EDA). In 1965, President Johnson signed the Public Works and Economic Development Act creating EDA. In fact, I still have the pen he used at the signing ceremony. Since its inception, I have been a strong supporter of EDA and now, nearly 40 years later, I continue to believe in EDA's core mission—to create economic opportunity for those living and working in economically distressed communities.

EDA's mission—to create economic opportunities for all—remains as vital and necessary today as it was four decades ago. As our economy continues to struggle, the importance of EDA becomes even more apparent. Since January 2001, the national unemployment rate has risen to 6.1 percent, the highest level in 9 years. Further, in that time, the number of unemployed workers has increased from 5.9 million—9 million—an increase of more than 3 million unemployed workers, or 50 percent. Moreover, workers who have lost their jobs are having more trouble finding new jobs. The average length of unemployment is now almost 20 weeks, the longest it has been in nearly two decades. Within the last 2 years, the number of workers who have been unemployed for longer than 6 months has increased by more than 1.5 million to more than 2.1 million—an increase of 218 percent. One-half of the unemployed are out of work for more than 9 weeks and more than one in five have been out of work for more than 6 months. As in every recession, it is the people living in our Nation's economically distressed communities—the very people who are served by EDA—that are hardest hit by the economic downturn.

Mr. Speaker, EDA works. I know it works because I've seen it work—providing jobs, job training, and real economic opportunities in distressed communities across the country. A recent series of Rutgers University studies found that every $1 million in EDA public sector funding creates 325 jobs; leverages $10 million in private sector investment; and increases the local tax base by $10 million. EDA grants are particularly vital for many smaller, rural communities where deterioration of infrastructure facilities is especially prevalent. Deterioration in infrastructure is often part of a downward cycle that contributes to erosion of human and financial resources. For these rural communities, EDA grants are critical to improve their economic conditions.

This bill enhances the agency's ability to deliver economic development services to those who need it most. The bill authorizes EDA for 5 years and provides the agency with the financing levels necessary to affect real growth and development in economically distressed communities. To that end, the bill authorizes $400 million for the agency in fiscal year 2004, increasing to $500 million in fiscal year 2008. Further, the bill moves the agency forward by building on a solid base of good administrative practices. It requires comprehensive economic development assessments by the State and local level. Such planning is essential for state and local governments to tackle effectively the tremendous economic development challenges they face and to take full advantage of EDA's program. EDA planning grants, which are re-authorized under the bill, provide a vital tool for state and local governments to undertake this important planning.

There are also many new, innovative programs. The bill authorizes EDA to award performance incentive awards to high performing grantees. Grantees can use their performance award money in any manner consistent with the Act. The bill also authorizes EDA brownfields program and establishes a demonstration program for brownfields. EDA has already developed through the use of photovoltaic solar energy systems. The ability to invest in these areas and technologies provides communities with the tools needed to reap further benefits.

When EDA was last reauthorized in 1998, this House and the Transportation and Infrastructure Committee took the lead in enacting that legislation. I am proud that we are again leading the efforts to authorize EDA with this bill. It is a true bipartisan product, and I extend my thanks to Chairman Young, Subcommittee Chairman Chaffetz, and Ranking Member Norton for their hard work and diligence on this bill. I urge its passage. Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 2535, legislation to reauthorize the Economic Development Agency for an additional 5 years.

Since its inception in 1965, the EDA has been successful. Positive changes have occurred in every State of this Nation. More than $18 billion in Federal money has been invested in rural and urban communities, which has leveraged more than $74 billion in private sector investments. More than 2.8 million jobs have been created. In my congressional district, the EDA has provided assistance for a variety of economic development projects ranging from ports to business parts—to improve the region's economy.

The bill we have before us today will continue the success of the EDA by providing it with $2.25 billion over a 5-year period for economic development assistance. These resources will result in the creation of almost 625,000 jobs and leverage $46.4 billion in private sector investments.

Mr. Speaker, the bill we have before us today is a good bill. It builds on the success of the EDA, and will improve the responsiveness and flexibility of the EDA, while improving coordination with other Federal agencies. I urge my colleagues to join me in supporting this bill.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support for H.R. 2535, the Economic Development Administration Reauthorization. In my congressional district, under the leadership of Pedroza, the Texas Commission on the Arts, has built an allied health center that is training hundreds of new nurses and health professionals. These students will have the opportunity to work in a high-paying career and alleviate the nursing shortage that is plaguing the entire State of Texas. EDA funding helped us complete a new pediatric specialty clinic in one of the poorest counties in the nation. An EDA planning grant is currently helping the Delta Region of Mississippi develop an economic development plan that will transition into a new era of economic growth. Whenever we have called on Mr. Garza, he has been there to help us to the best of his ability. I want to thank him for all he has done for the 15th Congressional District of Texas.

I urge my colleagues to vote in favor of H.R. 2535 and allow EDA to continue its mission of helping our rural and urban communities grow.

Mr. RAHALL. Mr. Speaker, I want to express my strong support for the reauthorization of the Economic Development Administration (EDA).

The EDA enhances regional competitiveness and provides critical long-term support for regional economies. In my own district of southern West Virginia, the EDA has been an important catalyst that has created or saved an estimated 2,240 jobs just since 1993. Similarly, over $31 million in federal funding has enabled 78 projects in southern West Virginia to leverage more than $50 million in private sector funding as well as approximately $24 million in state and local funding. In 2003 alone, EDA programs have provided much-needed funding for projects as diverse as University Center funding at several of West Virginia's institutions of higher education, an airport business park in Raleigh County, and engineering for building construction in Hinton, WV.

But in some regions of our Nation, EDA cannot complete its mission without additional help. For example, the Appalachian Regional Commission (ARC) works in coordination with EDA to serve southern West Virginia.

Historically, the Appalachian region has faced levels of poverty and economic distress higher that national averages as a result of its geographic isolation and inadequate infrastructure. My home State of West Virginia lies entirely in the Appalachian region. Mr. Speaker, neither of these two important programs can sufficiently serve the area without the other.

For over 30 years, the ARC has provided for development and jobs for more than 22 million people. The ARC's assistance to West Virginia and to my constituents in the southern part of the state, through the West Virginia Infrastructure and Jobs Development Council has been critical. It has aided the West Virginia Department of Health and Human Resources to develop educational funding, training, and job opportunities for local health care. In my district, the ARC made $1 million available to the Mingo County Redevelopment Authority to provide water service, and to create 130 jobs by processing West Virginia timber into hardwood flooring and related projects. Similarly, the ARC provided water service to the town of Hinton in southern West Virginia and it helped to improve the quality of mathematics and science education in Bluefield, WV.
Tragically, however, the Bush administration proposed decreased funding levels for the ARC nonhighway program by more than 50 percent. Of course, President Bush's friends in the Republican-led House followed through with his wishes by imposing the cuts in appropriations for the next year. Now, the administration and the Republican leadership say that they want to shift the ARC's nonhighway responsibilities to EDA for larger jurisdictional projects, diluting the unique attention ARC provides this region of vast potential to serve our Nation.

Mr. Speaker, I am glad to have to be able to express my strong support for the EDA, and I support reauthorization of this vital agency. But, on behalf of West Virginians and all those throughout the Appalachian region, I mourn for the cuts to the ARC.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Monday, October 20, 2003, the previous question is ordered on the bill, as amended.

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

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.

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to go to conference on the bill H.R. 3289 making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, be instructed to insist on the provisions of the Senate bill:

Regarding medical screening for members of the Ready Reserve of the Armed Forces (Section 317),

Regarding transitional health care and benefits for 180 days from separation for members of the Armed Forces (Sec. 321)

Regarding the provision that $10,000,000,000 of the amounts provided for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, be used for the following projects:

Regarding the provision that $1,300,000,000 to the Veterans Health Administration for medical care for Veterans (Title IV).

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The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) will each control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I yield myself 9½ minutes.

Mr. Speaker, we are about to go to conference on a bill which spends $87 billion. It is the second installment of what will be many installment payments to deal with the consequences of the war in Iraq. This motion to instruct attempts to put the House on record in favor of three provisions which the Senate passed earlier last week.

First, with respect to the issue of loans versus grants, this motion would provide that after $5.1 billion is set aside for military and security operations, and after $5.1 billion is set aside for Ambassadors and for reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

Mr. OBEY moves that the managers on the part of the Senate to the conference on H.R. 3289 making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, be instructed to insist on the provisions of the Senate bill:

Regarding medical screening for members of the Ready Reserve of the Armed Forces (Section 317),

Regarding transitional health care and benefits for 180 days from separation for members of the Armed Forces (Sec. 321)

Regarding the provision that $10,000,000,000 of the amounts provided for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, be used for the following projects:

Regarding the provision that $1,300,000,000 to the Veterans Health Administration for medical care for Veterans (Title IV).

Mr. Speaker, I yield my time.

Secondly, we ask the House to go on record in support of $1.3 billion in additional funds for veterans so that Priority 7 and Priority 8 veterans can make better use of veterans health care facilities without having to pay a $250 deductible and without seeing the cost of their prescriptions virtually doubled. This is, in essence, the content of the Bond-Mikulski amendment adopted in the other body.

That is what this does, and I would ask Members to support it.

I would also ask that if they do support it, they recognize that they have an obligation to then insist that these provisions be contained in any conference report, because they are already in the Senate bill. As Members know, conference committees are supposed to deal only with those matters which are in dispute between the two bodies. So I would urge any veteran or any other interested American citizen watching this debate to keep close track of how Members vote today, and compare that vote with how they vote when this conference report comes back. I think in that way it will in effect mean that they will be acting as a 'hypocrisy detector,' which is always good for this body, when someone is looking over our shoulders.

I want to say one other thing. I know that the President of the United States is a powerful man. I know that in this town he is probably the biggest man on campus that you can find. But the fact is that I have never yet met a White House who did not think that Article I of the Constitution was a drafting error by the Founding Fathers. And I think that we need to remind all the Presidents that we represent the same citizens that they do. We owe every President our respect, we owe every President a respectful hearing, but he also owes us the same thing, and that means that we need to work with each other.

Checks and balances: Mr. Speaker, in my view checks and balances is not simply an ornamental concept of democracy; it is a core element. It is the heart of our democratic system, and we have a right to expect the same respectful hearing from the President if we have an opinion that differs from his, as we have an obligation to give his views a respectful hearing.

But I note in today's article by E.J. Dineen in the Washington Post that the President, in a meeting last week, appears to have provided something other than that respectful hearing to Members of Congress.
Now, I know that the President is a business school graduate of a distinguished university, and I know that he regards himself in many ways as being an MBA President. He wants to bring business practices to the White House. Fine. But I would say that if that is the case, then even under the model that he sees, that means we are the Board of Directors.

We owe it to the country, it seems to me, to approach issues like this with great care and great seriousness. When we rubber-stamp the desires of any President, we, in essence, do not behave like the greatest deliberative body in the world; we behave instead like a poor imitation of the Board of Directors at Enron.

I do not think we ought to do that. Yet I notice in Mr. Dionne’s column of today, he is describing a discussion that took place at the White House between the President and a number of Senators, and he is quoted by one Senator as saying, “I’m here to tell you that this is what we have to do and this is how we have to do it;” one Senator quoted the President as saying.

Then that Senator went on to say that after she had asked a question of the President, “He looked at me and said, ‘it is not negotiable, and I don’t want to debate it.”

Now I would suggest that that might be a proper attitude if a parent is dealing with a minor child. It is not a proper approach when we are dealing with co-equal branches of government.

So I ask every Member today to use their judgment and think through what they think is in the best interests not just of this country, but of the Guard and Reserve forces who we are asking to fight our battles over in Iraq and our veterans who have done their duty and who are looking for some help with health care problems that they incur along the way.

Mr. Speaker, I would urge support for the motion to instruct.

Mr. Speaker, motions to instruct are usually a very strong tool of the minority party, and the reason I know that is because we were in the minority for a long time. As a matter of fact, one party controlled the House of Representatives for 40 years without a break. During that time, the minority party, our party, used a lot of motions to instruct, and yet none of these ever passed, because the majority party has to manage and has to function and pass bills. So motions to instruct, although they are not binding, still seem to carry weight in the conference meeting. We need to move this conference quickly.

After lengthy debate in the House on Wednesday, Thursday and Friday of last week, and for nearly 2 weeks in the Senate, a lot of debate on amendments took place. Some amendments were agreed to; some amendments were adopted, and some were defeated.

Two of the amendments we dealt with seriously through most of the debate had to do with loans to Iraq. As we all know, the House spoke rather emphatically that loans are not the way we were going to proceed. One problem is there is no government in Iraq to whom we would make a loan. Our own laws require that there be a government in place before we can make a loan to a country.

But what we are dealing with primarily, is to finish the job that was started in Iraq; and, when we finish the job, that means bringing our troops home. So for our troops home, we are going to have to complete what they set out to do.

Saddam is gone, his regime is gone, but we cannot guarantee that another Saddam will not arise from the ashes of Baghdad if we do not help the Iraqi people establish a government, if we do not help the Iraqi people establish a health system, if we do not help the Iraqi people establish an educational system, and we are doing very well on the educational system. The health system is ongoing, and we are providing additional money in the supplemental to provide additional health systems.

We need to rebuild the infrastructure, educational system, and distribution to people of Iraq, and to create a security force, where the people themselves can own their government, control their government, and not have to worry about a dictatorial regime raising its ugly head. That is going to happen. We can bring our troops home.

The safety of our troops and the bringing of our troops home is important to me.

I do not know that this motion to instruct would actually delay the process, but it could. This should be understood, although most of the debate has been about the construction funds and the reconstruction in Iraq and Afghanistan, most of the money in the bill supports our own troops. It provides them with the proper food, more water and drinkable water facilities. We have spoken strongly on several occasions, and we speak strongly again in this bill, that no American soldier should be in Iraq or any other place of hostility without body armor. In addition, having armor on the Humvees and the military vehicles that are not armored today, also needs to be done for the protection of our troops.

So we need to get this country stabilized and get our troops back home so that they do not have to be deployed constantly, not only our active duty troops but other troops in the reserves.

The gentleman from Wisconsin (Mr. OBEY) has put together a pretty interesting motion to instruct. I would have to tell him that I like a lot of the things he has put in there, but there is one thing that we are not going to agree to, and that is that for the reasons that I mentioned I am going to vote against this motion. I am going to vote against this motion because I am not going to agree in conference to the loan provision. I am going to support the President’s position on that issue.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. EVANS), the ranking Democrat of the Committee on Veterans’ Affairs.

Mr. EVANS. Mr. Speaker, I rise in strong support of the motion to instruct conferees today to add $1.3 billion to the supplemental for veterans’ health care. This motion to instruct offered by Mr. OBEY recognizes caring for our veterans is a continuing constant war.

Last week, the Committee on Veterans’ Affairs heard testimony from four veterans who spoke about the terrible injuries they and their families sustained in combat in the global war on terrorism. The costs of caring for these veterans, 2,000 who have used VA to date and hundreds of thousands more who will be eligible for VA health care when they return to the United States, all should be considered part of the cost of this war.

I urge my colleagues to support this motion. Let us not let our veterans down with a budget that will not meet the needs of returning troops or those it currently serves.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, last week I went to the Committee on Rules during its consideration of the supplemental request for Iraq in order to seek protection for an amendment to transfer $1.8 billion to our veterans when it came from the Iraqi reconstruction to
veterans health care. My amendment was not protected, thus not found to be in order. So I greatly appreciate the gentleman from Wisconsin (Mr. OBEY) for offering this motion, and I urge all my colleagues to support it.

I want to begin this vote, if you look at additional monies that the Senate has allocated for our veterans at this time, if today, like many other days since Operation Iraqi Freedom began, wounded troops will continue to arrive at Walter Reed Army Hospital and our facilities here, on an average of 10 each day, 10 veterans who need services and who need assistance. The military lists thousands, in fact, close to 1,600 now, that have been injured, have lost their limbs. Thousands more may come to our veterans hospitals in search of medical care for the conditions that may become evident in days and months after their military service has ended.

This summer the House broke its promise with our veterans. Our budget resolution promised to add $1.8 billion for veterans, yet the appropriations we approved for the VA added nothing. We have another chance to correct that situation. We have a chance to do the right thing by these veterans. We have asked them to go to Afghanistan; we have asked them to go to Iraq. And they have been willing, but we have to be there for them when they come back home.

This money will allow the military to provide better equipment and supplies to men and women who also have volunteered to defend our country. We also need to recognize that these veterans, this additional resource is not money that is above and beyond; it is for existing services. So it becomes important that we do the right thing. We ask that you support the efforts of the gentleman from Wisconsin (Mr. OBEY) on this motion.

Mr. YOUNG of Florida. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this motion to instruct conferees. Let me note I support our President in his military requests for Iraq, and I applaud his leadership and the great job that our military has done in Iraq.

The question is not the $56 billion that we are providing in the supplemental for our military, but the $18.6 billion in reconstruction money. And the question is should we just give this as a grant or should half of that $18.6 billion, at least half of it, be in the form of a loan that will be repaid after 20 years.

Well, I do not see any reason why after bearing such a heavy burden, it is not bud on Iraq, but so many other billions of dollars, why the American people have to carry the whole burden. Why do we not permit half of this, $10 billion of this, to go in the form of a loan that can be repaid? After all, we are in debt $400 billion a year. That is our level of deficit spending. We have to borrow that $10 billion to give it to Iraq as a gift. Why do we not let them repay it after 20 years, put in the form of a loan? That way our children will not have to repay this $10 billion 20 years from now. Instead, Iraqi children, who will have benefited from all of our investment and will probably be the richest kids in the world because they are one of the richest oil producing country's in the world, let them pay it back.

Mr. Speaker, I would support this motion to instruct. Let us give the American people a break.

Mr. OBEY. Mr. Speaker, could I inquire how much time I have remaining. The SPEAKER pro tempore (Mr. LINDER). The gentleman has 16½ minutes. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, this clearly is a better bill than we received from the White House. It specifies that these be used for Kevlar jackets, for example, for the jamming devices. There is no question but that there are improvements. What this instruction would do is to improve those improvements so that this is a bill that is far more in keeping with what our constituents would like to see. I have no question about that. I know that from the perspective of Americans who want to protect our troops overseas, and from the perspective of taxpayers they would want this entire body to support this instruction to the conferees. Because that is what it is about, troops and taxpayers.

First of all, the troops. It provides the kinds of quality-of-life improvements that every single one of our constituents would want us to include in this bill. Every single one. I would challenge any Member on the Republican or the Democratic side of the aisle to find anyone who would not want us to have these improvements in this supplemental appropriations bill.

And then from the standpoint of taxpayers, I have yet to find anyone of any political persuasion that does not think when you sit down with them privately that we should not be fronting all this money as grants when Iraq could conceivably be one of the wealthiest countries in the world, has got reserves, when the money that we are talking about, which is always used as the excuse for why it has to be a grant, why it cannot be a loan because they have got $200 billion of outstanding debt.

Who does Iraq owe money to? Kuwait, Saudi Arabia, Russia, France, some to Germany. How was that money spent? A whole lot of it was spent to build the palaces. Some we know was taken by Saddam and his henchmen. That is the kind of work that, that corruption is pervasive.

And why those countries that were dealing with Saddam should be first in line before the American taxpayer is beyond me and beyond every single one of our constituents.

That is why the Senate put this provision in the bill. We know our constituents want the provision in the bill. I know the gentleman from Florida (Mr. YOUNG) wants the provision in the bill. I know I cannot speak and I should not be speaking for him, but he is doing what the White House has asked us to. I am saying we have already told the White House we can fashion a better bill. This floats the $18.6 billion in reconstruction, one much more consistent with what our constituents would want us to do.

Mr. Speaker, vote in the interest of the troops and the taxpayers; approve this motion to instruct.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. EDWARDS), the ranking Democrat on the Military Construction Subcommittee on Appropriations.

Mr. EDWARDS. Mr. Speaker, it is wrong to be making promises to Iraqis while breaking promises to America's veterans. It is wrong to say Americans can afford to build new hospitals in Baghdad, but we cannot afford to keep open veterans hospitals here at home.

This motion is about doing right by America's veterans, veterans such as Robert Armstrong. I met this brave American, a constituent of mine, recently at Walter Reed Army Hospital. Sergeant Armstrong was protecting a children's medical center in Baghdad when a grenade went off close by. He was badly wounded and near death. Army doctors were so sure that he would die that they ushered him out of the Army in order to help his family receive higher death benefits.

But Sergeant Armstrong did not die even though his heart flat lined five times and he lost an eye and a leg. In and out of consciousness, Sergeant Armstrong kept repeating the same name, Mary, Mary, Mary. It turns out that Mary was his 15-year-old daughter, and he had promised her he would come home alive.

My wife was with Mary at Walter Reed Hospital when she saw her loving father for the first time in 5 months. His first words to his daughter were, "Mary, I always keep my promises." Mr. Speaker, this motion is about America saying to Sergeant Armstrong that we will keep our promise to you, the promise to provide you with quality health care because of your service and sacrifices for our Nation.

The truth is the proposed VA health care budget does not even keep up with inflation, even during the time of war. It would require extra services that are already stretched to the limit.
coming much closer to keeping our promise to veterans. And we should support that higher level of funding for our veterans hospitals and we know it. Our veterans deserve no less.

Sergeant Armstrong kept his promise to him. His daughter. Now, it is time for America to keep our promise to him. Let us, in a bipartisan fashion, support this motion to instruct. Let us, on a bipartisan basis, vote to increase funding for veterans hospitals by $1.3 billion and then let us mean it, because to push it through conference committee would be breaking a promise to our veterans one more time. They deserve better than that.

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

The SPEAKER pro tempore (Mr. LIN- Der). The gentleman from Wisconsin (Mr. OBEY) has 10% minutes.

Mr. OBEY. Mr. Speaker, I yield 2% minutes to the gentleman from Michigan (Mr. LEVIN) (Mr. LEVIN asked and was given permission to revise and extend his remarks).

Mr. LEVIN. Mr. Speaker, I rise in support of this motion. I hope that everybody on both sides of the aisle will take it seriously. This issue was debated in the House and our effort was turned down. It was also debated in the Senate and the issue of a loan was theorized and the Senate voted in favor of this approach.

In the Senate, even more so in the House, we heard all the arguments against it, that there is no government to sign it. They already have a debt. It would make it clear that we were interested in oil from the beginning. That is one of the arguments that is given and also that it would diminish efforts from others. But I think these arguments were effectively answered within the Senate.

There is an upcoming council, an entity that is now working. It is hard to believe that in the next months, if we do our job well and we get some help from others, that they would not be in a position to handle this issue. As to their already having a debt, it is possible. I think, for a loan to be put together that into account and remember the Senate version.

The Senate version would trigger an event if other nations forgive their debt. In terms of participation of others, I do not see how this would affect it. What this would bring about if adopted would be that the Senate would be encouraged to persist in their approach. And the reason to consider this is it could be amended, perhaps somewhat differently than the Senate put it together, but it would still be there. There would be participation more fully by the Iraqis. They would have greater investment in their own future. They would share the cost of this with the American taxpayer.

So I urge that there be support for this motion. This loan provision needs to be continued in terms of discussion and not simply thrown aside by an administration that has been headstrong from the very beginning. We should not allow it to be headstrong about this loan provision.

Mr. OBEY. Mr. Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has the right to close.

Mr. OBEY. Does the gentleman from Florida (Mr. YOUNG) have any other speakers?

Mr. YOUNG of Florida. Mr. Speaker, I have no other speakers.

Mr. OBEY. Mr. Speaker, since I have the right to close, I will let the gentleman proceed. I have only one speaker.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, as I said earlier in my opening comments, the gentleman from Wisconsin's (Mr. OBEY) motion has a lot of good about it. The conference on the authorization committee for the Committee on Armed Services is working on a lot of these details already that the House is supporting.

We have done a number of good things for quality of life for our military. To listen to some of the speakers on the other side, you would think we had done nothing for the members of our military. That is just not true. That is a little misleading, but we know it is true. Things get little misleading. We provided hazard pay and separation allowances and fully funded them in this bill. We have authorized travel assistance for military families, that is, continued payment of per diem for travel of family members of our military personnel who are ill or injured as a result of active duty service.

Clothing allowances. We provided the Department of Defense authority to provide monetary stipends to soldiers to purchase civilian clothing to wear during their hospital stays.

Meal allowances. The House has moved on three separate occasions and moved very quickly to abolish the outrageous system of soldiers in military hospitals being billed for the food that they consume while they are recovering from the wounds on the battlefield. Outrageous.

The House moved quickly on three different occasions to not only repeal a law that has had the effect of those troops feeling good about going through September 11, 2001 and to provide for repayment of any of those bills that had already been collected from wounded military personnel. We are going to pay them back. The House has moved very quickly on that. And I thank the House again, because we made it retroactive here when I offered an amendment for myself and the gentleman from Wisconsin (Mr. OBEY) to not only make that repeal permanent, but to actually make it retroactive until September.

We have directed the Department of Defense to increase the availability of modern hydration systems for the soldiers in Iraq. It gets really hot there, and the soldiers need as much water hydration as they can get, and we insist on that being provided. We took the President's request; we made some changes. I think we produced an even better bill than the President requested. We have a good bill that was passed by the House after debating for 3 days, and I do not want to do anything to limit our ability to advance this important bill, and to have some flexibility in the conference. It is the same thing that they wanted when they were in the majority party, they wanted flexibility to negotiate with the other body, and we do too.

As I have said earlier, Mr. Speaker, I am not going to ask my side of the aisle to defeat this motion to recommit and this motion to instruct. It is non-binding, and it has a lot of good-sounding symbolic items. I am going to vote against it myself, because I cannot agree to the provision that talks about the loan provision that the House included that the House defeated on two separate occasions. So I will be there to defend the position of the House, and to negotiate with the other body to get the best bill that we can and one that would be vetoed, as has been suggested that it could be subject to a veto if that loan provision remains in the bill.

So other than that, Mr. Speaker, I hope we can get about our business. We would like to get this quickly on this bill. We would like to be able to conclude a conference early next week and have this bill to the President as soon as possible.

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

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

Mr. Speaker, this motion has nothing to do with the question of whether the troops will come home sooner or not. This has a whole lot to do with how we will treat those troops before they go to Iraq and after they return home. That is why we provide in this motion that the House ought to accept the Senate provision providing for pre-mobilization health care and dental screening for guard and reserve forces and why we extend health coverage, the military health coverage to them for 4 additional months after they return home, above and beyond that to which they now are entitled.

This amendment has nothing whatsoever to do with making it harder for Iraq to repay its debts. In fact, this provision has a huge incentive for all other countries in the world to forgive their debts, just as they did with Poland when Poland became a democracy. Because this says that 50 percent of the reconstruction money to Iraq will be in the form of a loan unless the rest of the world forgives their debts. And then if the rest of the world forgives their debts, then we do.

If we are looking for a way to put Iraq in the strongest possible position and to make sure that Uncle Sam's
taxpayers are not the only ones stuck with the bad deal, you need to vote for this amendment.

I would also say that we have heard the argument that somehow this proposal might slow down consideration of the bill. No, we are not proposing to provide the additional health care to veterans that we have determined that veterans deserve the additional $1.3 billion in veterans health care that we are trying to block. So all we are doing is narrowing the differences between the two Chambers, all we are doing is narrowing the differences between the two Chambers, all we are doing is narrowing the differences between the two Chambers...

So I would say, with all due respect, no one is perfect. This administration certainly does not have a monopoly on wisdom. However, if we end this end game at Capitol Hill; but we ought to be able to work together in an effort to reach reasonable compromises. I think this recommitment is in fact, an effort at a reasonable compromise, and with that, I would ask for an "aye" vote, Mr. Speaker.

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

The SPEAKER pro tempore (Mr. Linder). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. Obey).

The question was taken; and the ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct will be followed by a 5-minute vote on the question of passage of H.J. Res. 73.

The vote was taken by electronic device, and there were—yeas 277, nays 139, not voting 18, as follows:

[Roll No. 567]

YEAS—277

The Speaker pro tempore, Mr. LINDER, during the vote. There are 2 minutes remaining in this vote.

Mr. BALLANCE. Mr. Speaker, I inadvertently had my name removed as a cosponsor of H.R. 2821. Without objection, the Chair accepted the removal of my name as a cosponsor of H.R. 2821.

Mr. BALLANCE. Mr. Speaker, I inadvertently had my name removed as a cosponsor of H.R. 2821. Without objection, the Chair accepted the removal of my name as a cosponsor of H.R. 2821.

The Clerk read the title of the joint resolution.

The Speaker pro tempore. The question is on the passage of the joint resolution.

The question is on the passage of the joint resolution.
The SPEAKER pro tempore (Mrs. Emerson). Is there objection to the request of the gentlewoman from New York? There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Madam Speaker, I yield to the gentleman from Texas (Mr. DeLay) for the purpose of informing us of the schedule, and it seems to me we did this just yesterday.

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, the House will convene on Tuesday at 12:30 for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of rules. A final list of these bills will be sent to Members’ offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

On Wednesday, the House will convene at 10 a.m. for legislative business. We may consider additional legislation under suspension of the rules, as well as H.R. 2443, the Coast Guard and Maritime Transportation Act of 2003. Next week we hope to have the conference report for H.R. 6, the Energy Policy Act for 2003 ready for consideration, as well as the Department of Defense authorization conference report. And in addition to that, there are four appropriations bills currently in conference that will be ready at any time.

Members should also be aware that we will be in session next Friday, October 31, and expect to have votes that day. Finally, I would like to make all of the Members aware that we hope the following week, the week of November 3, will be our last week of the session. We expect our first votes of that week to occur after 6:30 p.m. on Tuesday, and we anticipate having votes through Friday, November 7.

I thank the gentleman for yielding, and I will be happy to answer any questions the gentlewoman may have.

Mr. DELAY. Madam Speaker, I thank the gentleman for that information, and for his optimism. The gentleman indicated that Members should expect there will be votes in the House next Friday. That is Halloween. How certain is the gentleman that, as far as we are going to have votes on that day?

Mr. DELAY. I am pretty certain we are going to have votes on that day. If Members look at the conference reports and the fact that the present continuing resolution runs out on that day, if things do not go as we expect them, we could have some very important legislation on that day, although we understand that it is Halloween and Members want to be home with their families and want to trick or treat. And hopefully even if we work on that day, we can let Members out in time to go trick or treating.

Mr. HOYER. Better trick or treating at home than here.

Mr. DELAY. I understand.

Mr. HOYER. Mr. Leader, November 7 is indicated as the target date for adjournment. So that Members can plan, how confident is leadership that we can make that date? How strong is leadership’s intention to meet that date?

Mr. DELAY. As the gentleman knows, any date is tentative at the end of any session; but we are working very hard. The Senate is working very hard. If we get the conference reports that I outlined in my opening remarks next week, then we really only have the Medicare conference report, the finishing of the appropriations process, and we hope that we can do all of that in the next week.

Mr. HOYER. Madam Speaker, I ask the gentleman, would it be fair to conclude there will be no action on the child tax credit?

Mr. DELAY. I would hope there would be. I would hope that the Senate would realize that allowing the child tax credit to expire in just a couple of years is actually raising taxes, and would accept the House bill that makes them permanent.

Mr. HOYER. Mr. Leader, I thank the gentleman for yielding. I think I am correct that every tax bill that we have passed over the last 3 years has been sunsetted. Therefore, pursuant to your rationale on child tax credit, in effect those bills would be raising taxes, sometimes in 2010, sometimes a little before, and sometimes a little after, 2006, 2007 some sunset. How does that rationale differ from the rationale being applied to the child tax credit?

Mr. DELAY. Madam Speaker, it is pretty simple. The House has voted for bills which raise more families than the Senate bill, and we think that they ought to receive that child tax credit, and they ought to receive it on a permanent basis. The House has spoken, and the Senate does not seem to want to come together with the House and work out our differences.

Mr. HOYER. Unfortunately, it is our position that the children, those 12 million children, the 6.5 million families, the 200,000 military families who would otherwise be eligible, are the ones who are paying the price for the inability of the two Houses to come together when apparently both Houses believe that they ought to get the tax relief of which we speak, and but for the difference on permanent basis, we would be getting it.

I would again reiterate our hope in the next 2 weeks that we plan on being in session, that if we cannot resolve the differences between the two Houses, our leaders then are going to reconsider that and pass at least the 1- or 2-year extension while we try to reach agreement on the differences that exist between the two Houses.

Mr. HOYER. Mr. Leader, on the FSC bill, it is our understanding that the Committee on Ways and Means will mark up this legislation on Monday. Does leadership expect the bill to be on the floor next week or does leadership expect it to pass before we leave here?

Mr. DELAY. Madam Speaker, the Committee on Ways and Means is considering a markup in the very near future, and once the committee has completed its work, because this bill has been a work in progress for a longer time than we thought it would take to mark it up in committee, we have not scheduled time for it. But obviously, it is a very important piece of legislation; and once the committee has completed its work, we will look for floor time to move it. But at this point we cannot give an exact prediction of whether it is next week or the following week.

Mr. HOYER. As the leader knows, this comes about by a WTO ruling which places in jeopardy the United States, and we believe that we have a solution which advantages U.S. manufacturers, and we are very hopeful this does move ahead so our country does not confront at the end of this year, as the European Union suggested it might, take action if we have not corrected the deficiency which the WTO has found. I hope that we could move that bill before we leave here.

Mr. DELAY. Madam Speaker, I ask you to comment, and I would ask you to facilitate the availability of this bill as soon as possible, and more than 24 hours before because it is a complicated bill, a very important bill; and I would ask you to comment, and I would ask you to facilitate the availability of this bill as soon as possible, and more than 24 hours before because it is a complicated bill. We need time to review it so they can vote with understanding that the Committee on Ways and Means will mark up this legislation on Monday. Does leadership expect the bill to be on the floor next week or does leadership expect it to pass before we leave here?

Mr. Leader, on the FSC bill, it is our understanding that the Committee on Ways and Means will mark up this legislation on Monday. Does leadership expect the bill to be on the floor next week or does leadership expect it to pass before we leave here?
Mr. HOYER. Reclaiming my time, I would hope that would give Members no less than 48 hours to review the bill, have the staffs review it, so we know what is in it. Because, as I said, we have not had the opportunity to be included in the conference.

On the Medicare prescription drug, the gentleman mentioned the Medicare bill in response to my question. Can he tell me the status of the conference, and can he tell me whether or not he expects that bill to be on the floor prior to the November 7 target date for adjournment?

Mr. DELAY. A lot of people are working very hard to try to get that very complicated piece of legislation put together. The chairman of the conference continues to work with the various parties interested in reaching a compromise by the end of this session.

There have been several bipartisan, informal meetings since last week. I expect that there will be a few more before the end of this week. Hopefully, these meetings will produce a draft product that all the members of the conference can review at the next formal conference meeting. I would anticipate that that would start happening, probably next week or so.

We really think it is important to have a product that all members have and can provide the kind of health care that seniors need before we adjourn in this session. A lot of people are working very hard to accomplish that.

Mr. HOYER. Reclaiming my time, Mr. Leader, I keep harping on this because I think it is important to make the point. Our folks are not included in whatever discussions are going on. As a result, we have no idea as to whether or not we think, in fact, Medicare is being weakened. I would think, whether prescription drugs are being made available to seniors, whether they are affordable, accessible, guaranteed, all of which we think is very important. We think this needs to be a voluntary program. I think we agree on that.

But as a result of not being included, we do not know, and we think it is not good for the process that whatever meetings are going on are not what we believe to be conferences of conferences because conferences are not being included. The gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. DINGELL), specifically, have not been included, and they are chief conferees, as the gentleman knows. The gentleman from Texas is a conferee himself, as I understand. We would hope that if, in fact, they are going to bring this bill to the floor, and if, in fact, a real conference is to be scheduled, that it is long enough, that all of the conferences be included to discuss the parameters of a bill which can pass both House and Senate and be sent to the President.

Of the appropriation bills the gentleman mentioned, does he know which ones are most likely to be on the floor next week?

Mr. DELAY. A lot of people are working, conferences are working and have been working. If I anticipate all four that are eligible in conference, right now, could very well come to the floor sometime next week when they are finished, the Labor-HHS bill, the Interior bill, the Energy and Water bill and the Military Construction bill. These are very close to being settled. At least that is what I am being informed. I think those four bills could very well be voted on by next week.

Mr. HOYER. Reclaiming my time, again on the Labor-Health bill, I am a conferee and I have not been either invited to nor have I attended any conferences on that bill. So if it is reported next week, I am not sure when the conferences are going to meet and consider it. But it is, again, indicative of the fact that on our side, we do not get notice of, or we are not being included in, conferences. That is not, we believe, the way the process ought to work.

Mr. DELAY. If the gentleman will yield, I just want to correct the gentleman, in that the gentleman has been invited to any formal conferences that have been held and I am sure that to finish the work of the conference, formal conferences will be held on these bills. The gentleman can look at them at his leisure and make determinations as to whether they will support them or not. If the gentleman is not being invited to formal conferences, let me know, and I will make sure that he gets the invitation.

Mr. HOYER. Reclaiming my time, and I will notify the gentleman that I am not being noticed. My conclusion is different than his, however. My conclusion is that I would be invited if they want me. If they think they are having them, but I may be in error, Mr. Leader. If the gentleman will check on that and let us know whether or not, in his terms, a formal conference has been held or is scheduled to be held on the Labor-Health bill, it will be news to me. But I would appreciate that information, and I appreciate the gentleman’s offer.

Madam Speaker, last week the gentleman and I had a discussion about the Labor-Health bill, and we are very concerned about the Labor-Health bill’s funding as the gentleman knows. In the No Child Left Behind, the President was very strong on the No Child Left Behind. We believe in this bill, that that is short about 98 billion. Does the gentleman have any information as to whether or not such sums may be added to the Labor-Health bill to fully fund the No Child Left Behind Act?

Mr. DELAY. The gentleman knows that we have a strong disagreement as to whether the No Child Left Behind has been fully funded or not. From my perspective, it has been fully funded. I know the gentleman, and I think every Democrat voted against the bill because they wanted more funding. We have that disagreement. As far as what the conference is ultimately going to have, I am not advised. I could not tell the gentleman today if there has been any agreement on whether or not they are going to give more money than fully funding the No Child Left Behind.

Mr. HOYER. Reclaiming my time, the last question, the gentleman would like to help him on how he himself knows. In the No Child Left Behind Act?

Mr. HOYER. Reclaiming my time, Mr. Leader, I look forward to hearing from the gentleman as to where these conferences are occurring because I assume the gentleman that I will be enthusiastic about participating and raising this issue and other issues when we find out where that elusive conference is occurring.

I thank the leader for his information.
adequate protection of public health and safety if subject to a terrorist attack, and that the Nuclear Regulatory Commission also consult with the Secretary of Homeland Security before issuing a license or a renewal for a sensitive nuclear facility concerning the emergency evacuation plan for the communities living near the sensitive nuclear facility.

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

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

I am offering this motion today to address one of the most inexplicable and indefensible decisions made by the House and Senate Republican energy conferees. As the member of the Armed Services Committee, I am talking about the decision that has apparently been made by the Republican majority to weaken critical nuclear security provisions Democrats had earlier attached to the energy bill, H.R. 6. In order to better secure our Nation's 103 currently operating civilian nuclear power plants from the threat of terrorist attack.

Remember less than 2 years ago, President Bush told the Nation in his State of the Union address, quote, our discoveries in Afghanistan confirmed our worst fears and showed us the true scope of the task ahead. We have seen the depths of our enemies' hatred in videos where they laugh about the loss of innocent life and the depth of their hatred is equaled by the madness of the destruction they design. We have found diagrams of American nuclear power plants and public water facilities, detailed instructions for making chemical weapons, surveillance maps of American cities and thorough descriptions of landmarks in America and throughout the world.

So we know that nuclear power plants are at the very top of al Qaeda's list of targets, inoperating nuclear plants. Despite this fact, the Republican conferees have apparently decided to weaken the nuclear security language in the energy bill. My motion covers three of the major weakening changes that have been made in the nuclear antiterrorism provisions in the energy bill.

The first part of my motion addresses the decision by the House Republican conferees to eliminate the requirement for a mandatory Nuclear Regulatory Commission rulemaking to upgrade nuclear security regulations. Section 14012 of the House bill entitled Nuclear Facility Threats requires the NRC to issue regulations, including changes to the design basis threat, to ensure that licensees addressed the threats of a terrorist attack against a nuclear power plant in the United States. Under the provision, these new rules are required to be issued not later than 360 days after the submission of a detailed report by the President assessing the nature of the terrorist threat to the nuclear facilities in the United States or a year after enactment.

The Republican conferees have now weakened a key provision so that it no longer mandates a new NRC rulemaking, but instead merely authorizes the NRC to make such revisions to the design basis threats promulgated before the date of enactment of this section as the commission deems appropriate, based on the summary and classification report. There is no deadline. There is no requirement for any formal Nuclear Regulatory Commission rulemaking. This language guts the entire section and appears to allow the NRC to deem the interim orders that it has already adopted since the September 11 attacks to be sufficient and take no further action.

This new language reflects what the NRC and the nuclear industry have always wanted, no action by Congress to require them to do anything more than that which they have already done on nuclear security. But is that the position that this body, which has twice reauthorized the Nuclear Regulatory Commission, really wants to take?

You might say, perhaps the NRC has already addressed the problem in its secret orders. No, it has not. The NRC orders are classified and were prepared following closed-door consultations with the nuclear industry and no opportunity for public comment. I have read the NRC orders very carefully.

And while I cannot discuss them in a public forum due to their security classification, I have been informed that they are preparing to eliminate the requirement for consultation prior to a relicensing of an existing power plant. House Republican conferees have yet to share this new language with us in this bill.

And while the Republicans have now de-linked the Waxman amendment's consultation requirement from Price-Anderson's liability indemnification and eliminated the Markey amendment's requirement for consultation on the adequacy of emergency evacuation plans. We have also been informed that they are preparing to eliminate the requirement for consultation prior to a relicensing of an existing power plant, although the Republican conferees have yet to share this new language with the Democrats.

The elimination of the Waxman amendment's linkage between NRC consultation with Homeland Security and Price-Anderson indemnification for the current nuclear liability
classification, that in House Republican amendment. Instead of mandating a consultation aimed at determining whether the design or location of a nuclear facility poses an unreasonable risk before giving the owner government-subsidized insurance, we are now merely calling for such consultation to take place.

Moreover, tying consultation to the initial licensing of a plant, and not recovering relicensing of the 103 currently operating nuclear plants, greatly narrows the application of the amendment since no new nuclear power plant has been successfully ordered since 1973 and no new nuclear power plants are likely to be ordered for decades, if ever. If this change is made, there would be no new emergency consultation by the Nuclear Regulatory Commission with the Department of Homeland Security for any of the existing nuclear power plants in this country, not for Seabrook, not for Pilgrim, not for Indian Point, not for Diablo Canyon, for none.

Finally, eliminating the specific requirement for consultation regarding
the adequacy of emergency evacuation plans in the event of a successful ter-
rorist attack on a nuclear power plant means that we are failing to do what is
needed to ensure that citizens living near plants such as the Indian Point
reactor in New York City are fully protected against the threat of a terrorist attack.

And third and finally, my amend-
ment addresses the decision to weaken nuclear materials transportation re-
quirements. Section 14011 of the House-passed bill, requiring the NRC to estab-
lish a system to better ensure the security of nuclear materials transferred
to, from, or within the United States. This provision originated as an amend-
ment I authored that has now passed the House twice in H.R. 6 in this Con-
gress and as part of Price-Anderson re-
authorization last year.

The latest Republican conference re-
port draft, in contrast, limits the NRC's regulations to the security of imports of nuclear mate-
rials, failing to cover the transpor-
tation of these materials within our own country. This limitation is inex-
planable in light of the fact that the Nuclear Regulatory Commission told Cong-
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The NRC also estimated that at that time that in the past 5 years, there have been 1,495 reports of lost, stolen, or
abandoned radioactive materials; 835 these have not been found. According to the NRC, a radioactive source as
small as 1Curie, if dispersed by a bomb, "could spread low-level contamination
over an area up to several city blocks, possibly resulting in restriction of the area until the area was surveyed and
decontaminated." But the Republican energy conferees have exempted transfers of radioactive materials around the country from the now nuc-
lear security requirements. That makes no sense.

I urge my colleagues to vote for this motion today and send a strong mes-
sage to the House and Senate Repub-
lican energy conferees that this body insists on tougher protections against a terrorist attack on our Nation's nu-
clear facilities; that this body insists on tougher protections against the threat of a radiological dirty bomb; and that this body rejects secret, back-
room talks that result in the weak-
ening of critical antiterrorism prote-
tions.

I heard the majority leader earlier make reference to the fact that a mo-
tion to instruct might just reflect what the Members in this body are feeling
that day. That is not what the provi-
sions that we are talking about reflect. They reflect what has happened on this House keeps changing. Members voting for it. In fact, taking
it out reflects what, in my opinion, a small number of Members and nuclear industry officials might feel on any particular day. But they do not capture what the consensus was that was reached by House Members and the general public about what must be done to enhance nuclear security.

Madam Speaker, I reserve the bal-
ance of my time.

Mr. BARTON of Texas. Madam
Speaker, I yield myself such time as I
may consume.

We are not going to oppose the Mar-
key motion to instruct conferences. I have to go to my constituents close to and would say that they do reflect the changes as outlined. I would point out that while the gentleman from Massa-
chusetts (Mr. MARKEY) is absolutely correct that the House has passed twice the issues that he refers to in his comments in the Senate conference with the House last year, Senate con-
ferences, at which time were a ma-
jority of Democrats, voted to strip all the provisions out that he has just al-
dressed. So, in that conference, we went to conference with the Senate this year had none of these pro-
visions in; and the provisions that he alluded to in his motion to instruct, section 14011, 14012(d), and 14013, are in the conference report that have been changed in the ways that he said.

Section 14011 did apply to domestic
and international shipments. In the conference report, it does only apply to international; so he is correct on that.

Mr. MARKEY. Madam Speaker, on substance, the gentleman from Massachusetts (Mr. MARKY) amendment that has passed the House did say "shall and the conference report will come back with "may"; so he is correct on that. And section 14013, the Depart-
ment of Homeland Security as passed
by the House did require a consultation before the grant of a Price-Anderson indemni-
fication agreement. And also before the issuance of a license for a new facility, as it is going to come out of conference, it will apply only to those issuances of a new license.

So he is right in his characterization of the changes. So we get down to a sit-
uation, is the glass half full or half empty; and since the Senate had none of these provisions last year or this year, as a conference, I would suggest to the gentleman from Massachusetts (Mr. MARKY) amendment that the glass is half full as opposed to the glass is half empty. Changes have been made; but we still have the issues in play, not as strong as in the House when they are still in the bill, and it will be good public policy to make these changes that he supports. So I would hope that, while we support the motion to instruct conferences, the truth of the mat-
ter is that most of the conventions have been done. We expect to have this bill on the floor sometime next week. It is very unlikely we are going to reopen the conference; but certainly if it were to be reopened, we would support the gentleman (Mr. MARKY) motion to instruct conferences. And since the House has already passed what the motion is instructing us to support, we have every reason to continue to sup-
port it knowing that it is a bicameral body and that the House does not al-
ways get everything it wants when we are negotiating with the Senate.

So I support the motion to instruct and commend my friend for all his good work on this, and I oppose the amendment and pledge that we will continue to work together not just on this conference re-
port but on future bills to make our nuclear facilities the best and the
safer in the world.

Mr. MARKEY. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH).

(Mr. RUSH asked and was given per-
mission to revise and extend his re-
marks.)

Mr. RUSH. Madam Speaker, as a con-
ferree to the energy bill, I rise in strong support of the gentleman from Massa-
chusetts' (Mr. MARKY) motion to in-
struct conferences. I rise in strong support of the gentleman from Massa-
chusetts' (Mr. MARKY) motion, but I do want to make two points: point one, that this motion should be accepted be-
cause of the substance of the gen-
tleman from Massachusetts' (Mr. MARKY) amendment; and, two, because of the process.

Madam Speaker, on substance, the gentleman from Massachusetts' (Mr. MARKY) motion is right on the money. The House-passed version of the energy bill contained important language per-
taining to nuclear security. This lan-
guage in H.R. 6 addresses a chronic failure on the part of the Nuclear Reg-
ulatory Commission to tighten up se-
curity at our nuclear power plants around the country. This language was in the House and was marked up in the Committee on Energy and Com-
merce. It is important that this lan-
guage remains in the bill as a critical national security plank to protect our citizens from a terrorist attack. The fact that the latest draft of the con-
ference report significantly weakens these security requirements is very dis-
turbing and very perplexing. I know that the ranking member of the com-
mittee indicated that there was an ac-
chor conference. I would urge the conferees to accept this language. How-
aver, Madam Speaker, I just want to emphasize the fact that this was not done in a way that we can be proud of here in the House in regards to how this event came about.

Madam Speaker, I just want to say that the second reason to vote for the motion is the lousy process that has in-
fected this entire conference com-
mittee. The Republican conferees al-
took in this conference nuclear security provisions behind closed doors and
without any input from Democratic conferees who sit on the committee of jurisdiction. And it is inexcusable that
the gentleman from Massachusetts (Mr. Markey), myself, and other Democratic members, especially from the Committee on Energy and Commerce, had no opportunity to discuss this important matter with our Republican counterparts.

For this reason alone, and in the name of a rational and deliberative process, I urge the Members of the House to accept this motion to instruct. Let us send a message that this bill is far too important to be discussed behind closed doors, without any input from the minority members of the conference committee.

Madam Speaker, I add that it is really shameful and harmful to the democratic process for the Democratic conference to not be included in the full deliberations of the conference committee.

Mr. Barton of Texas. Madam Speaker, I yield myself such time as I may consume, just to reiterate that we do not oppose the motion to instruct, and we support the gist of the gentleman’s motion to instruct in terms of the policy. The Senate has already supported it twice, and the committee supported it twice. We just have to get the other body to support it, which, unfortunately, they have been unwilling to do in its totality.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. Emerson). Members will refrain from characterizing action or inaction of the other body, including urging the Senate to take a specific action.

Mr. Barton of Texas. Madam Speaker, I said “the other body.” What did I say wrong?

The SPEAKER pro tempore. Members will refrain from characterizing the other body.

Mr. Markey. Madam Speaker, I yield myself such time as I may consume in order to conclude this debate.

Madam Speaker, without question, back in 1787 when a deal was being cut on the construction of the Union and the small States demanded that, rather than equal representation for all States, that another body be created in order to represent them, that other body that was created at the time has developed peculiar characteristics that, unfortunately, are manifesting themselves here on the House floor today.

There are many who look back with regret that that deal was ever cut, the grand compromise in the Constitution, allowing for that disproportionate influence, and I see nodding bipartisan agreement on the Republican side on this subject.

Mr. Barton of Texas. Madam Speaker, will the gentleman yield?

Mr. Markey. I yield to the gentleman from Texas.

Mr. Barton of Texas. Madam Speaker, I think that agreement that the gentleman alluded to in the Constitution was one of the biggest mistakes in the Constitution.

Mr. Markey. Madam Speaker, reclaiming my time, I thank the gentleman very much. I regret that Texas was not part of the Union at the time. Perhaps they could have exercised some influence in that final decision making.

But the other body, as it likes to be called, and I understand why in many instances, it is a good example of where anonymity is something to be much desired and sought, that the other body here, according to the majority, is calling all the shots in terms of nuclear security, which is a premise which I doubt is actually accurate. I do believe that it was a bicausal Republican decision to take out the nuclear security issues, since we know that the Democrats in the Senate, like the Democrats in the House, are searching the corridors of this building trying to find where the meetings are taking place. We have no idea.

We do know this through, that reports are rampant that the bill, when it comes out on the House floor, is going to be loaded with billions of dollars of subsidies for the nuclear industry. I understand it is that time of the year where the oil, gas, coal and nuclear industries just really think that they deserve billions of dollars in subsidies for each one of their industries from the taxpayers, even though they are among the wealthiest industries in the United States.

But, it seems to me, the least that the nuclear industry should be willing to accept are antiterrorism provisions that are attached to the nuclear gifts which it appears the Republican House and Senate and White House is willing to, and I am sorry I said “Senate,” I meant the other body, that they appear willing to confer upon them.

They did accept those additional safety measures, because the public, without question, gave an additional measure of wholehearted support to the President in his campaign to eradicate the threat of Saddam Hussein to the world because of his nuclear mujahideen, because of the contention he was trying to reconstitute his nuclear weapons program.

Here, domestically, we know that nuclear power plants are similarly at the top of the terrorist target list for al Qaeda, and it seems to me the nuclear weapons program.

So I regret that that language has been removed, and at this point I urge an “aye” vote on this motion to instruct.

Madam Speaker. I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to characterize the actions or inactions of the Senate. The Chair would clarify for all Members that referring to the Senate as “the other body” does not cure such an infraction in debate.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. Markey). The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The yeas and nays were ordered.

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

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. Brown of Ohio. Madam Speaker, I offer a motion to instruct.

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

The Clerk reads as follows:

Mr. Brown of Ohio moves that the managers on the part of the House at the conclusion of the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject the provisions of subtitle C of title II of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXI, the gentleman from Ohio (Mr. Brown) and the gentleman from Florida (Mr. Bilirakis) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. Brown).

Mr. Brown of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, my motion instructs the conferees working on the Medicare prescription drug coverage bill to abandon provisions in the House bill that would privatize Medicare by turning it into a private insurance voucher program. The public has asked this: Congress and President Bush to supplement Medicare by adding prescription drug coverage to the Medicare benefits package.

You may remember early this year, almost a year ago, President Bush proposed a prescription drug plan only if people left fee-for-service Medicare and went into a privatized plan. Clearly, the public rejected that. Even members of his own party said no to that. The American public has not asked this Congress, has not asked President Bush, to dissolve Medicare and replace it with a private insurance voucher program.

The voucher provisions in the bill have nothing to do with prescription drug coverage. The voucher provisions do not supplement Medicare, the
voucher provisions destroy Medicare. They choose off funding for the program and force enrollees back into the private insurance market to try their luck. If you do not believe me, Madam Speaker, ask the bill's authors. Ask these questions.

First, under the voucher provisions of H.R. 1, will every senior be guaranteed access to the same reliable health coverage, regardless of geographical location, regardless of a senior's income, regardless of health status? If the authors are honest, they know the answer is no.

Two, will the Federal Government's financial commitment to Medicare automatically keep pace with the costs of the health care seniors need? If the authors of the bill are honest, the answer is no.

Three, will the private health medical organizations, private HMOs which accept Medicare vouchers, will they be required to provide ongoing, reliable coverage to Medicare beneficiaries? In other words, will HMO cost-sharing and benefit levels be predictable year after year, will beneficiaries even be able to rely on the same plan being available next year after next year? If the authors are honest in answering that question, they will admit the answer is no.

History also says that senior after senior in this country in State after State and district after district and plan after plan have seen their coverage drop as they are unceremoniously dumped from their Medicare HMO. Today, Medicare offers reliable medical coverage to seniors and disabled Americans, regardless of where they live, how much they earn, or their health status. Enrollees go to the doctor of their choice and the hospital of their choice.

The insurance voucher provisions in H.R. 1, slightly throw all that away. Under these provisions, seniors will be given a voucher to cover part of the cost of their health coverage. They will then be required to shop in the private insurance market, what they had to do before Medicare was available, shop in the private insurance market for whatever HMO happens to be in town that year.

Over the last 4 years, HMOs participating in Medicare+Choice enrolled and then unceremoniously dropped one million Medicare beneficiaries. That means 24 million of our senior constituents got notice in October or November that, come January, they would have to find another place to deliver their health care.

By undermining the existing Medicare program, by forcing seniors to pick and choose between and among private insurance plans, the voucher provisions in H.R. 1 would ensure that every Medicare beneficiary has an opportunity to be abandoned by their HMO.

The core Medicare program, the program that would be replaced if the voucher provisions in H.R. 1 make it into the final prescription drug bill, the core Medicare program does not drop anyone, period. In fact, over the last 4 years, one of its most important roles has been to pick up the pieces when HMOs abandoned seniors and left them stranded. The privatized Medicare+Choice HMO plans abandoned seniors. The fee-for-service, traditional Medicare, has had to clean up afterwards.

Under the voucher provisions in H.R. 1, the core Medicare program would itself be abandoned. Proponents of the voucher provisions, proponents of Medicare privatization, say that seniors deserve more choice. That is what we are going to hear today. That is what we have heard for years from my friends on the other side of the aisle, that seniors deserve more choice. That is why vouchers are such a good thing. But does anybody in this body really think retirees are clamoring for their choice of HMO? They want their choice of doctor, they want their choice of hospital. They do not want their choice of insurance companies. They do not want their choice of insurance agents. They do not want their choice of HMO brokers. They do not want their choice of enrolling in one fly-by-night HMO after another fly-by-night HMO has dropped them.

Proponents of the voucher provisions claim that private HMOs operate more efficiently than the core Medicare program, so they say first of all you get more choice with an HMO, so you can choose among insurance company brochures and agents. They say you have more choice in HMOs. Then they try the second myth, and that is the myth that HMOs operate more efficiently than core Medicare.

My Republican friends know that Medicare operates more efficiently than HMOs. HMO administrative costs, Madam Speaker, I am pleased to report that this group is making substantial progress and that it is my sincere hope that we will get a conference report done this year and provide our seniors with a prescription drug benefit they need and deserve.

Motions to instruct like this are not helpful; and, in fact, they hinder our ability to reach a compromise on Medicare prescription drugs. I honestly, and I mean this sincerely, do not believe that that is the goal of the author of this motion. And it certainly is not mine. I want a bill.

The particular section the gentleman refers to is not without controversy. And that is why we are working on this in a bipartisan manner. However, the section that we are talking about, which would inject competition into the Medicare program and provide seniors with choices similar to those choices Members of Congress enjoy, is probably the most misunderstood provision in the House-passed bill, and the most mischaracterized, I might add.

Let me attempt to clarify some of the issues that are often misunderstood and the confusion that surrounds the HBP-style competition. First, H.R. 1 contains no changes, no changes to the basic entitlement to Medicare. The traditional Medicare program will continue to be
Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. McDermott), who has a leader in health care in the Committee on Ways and Means.

Mr. McDermott. Mr. Speaker, in order to think about Medicare, you have to take a look at what we are doing right now. Right now we have a decision a long time ago that all seniors will be in the same boat. Right now we made a decision a long time ago that all seniors will be in the same boat, we would get the same benefits, we would have the same amount we would put into it no matter where you lived, or how old you were, or whatever your medical condition was, what color you were, what State you lived in, how much money you had. It did not make any difference; we were all in the boat.

Now, the Republicans have said we are going to blow the bottom out of the boat. They have done that with tax cuts, and they set up a situation in 2010 where it is going to be absolute chaos. We do not want to put every senior in the same boat. Now, I do not know how many of you were, or whatever your medical condition was, what color you were, what State you lived in, how much money you had. It did not make any difference; we were all in the boat.

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Mr. Speaker, I urge my colleagues to vote no on the motion to instruct. Mr. BILIRAKIS, Mr. Speaker, I do not have any further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I urge my colleagues to vote no on the motion to instruct.

Mr. BILIRAKIS. Mr. Speaker, I do not have any further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I urge my colleagues to vote no on the motion to instruct.

Mr. BURGESS. Mr. Speaker, I want to speak for just a minute on why the Federal Employee Health Benefit Plan style reforms are needed in Medicare.

As the chairman as pointed out so eloquently, spending on Medicare is projected to nearly double over the next decade, just as the baby boomers begin to retire. Social Security, Medicare and Medicaid currently comprise more than 40 percent of the Federal budget; but by 2030, the Government Accounting Office estimates that these three programs could constitute 75 percent of the Federal budget if no changes are made. Truly, that would be blowing out the bottom of the boat, to borrow a metaphor from the gentleman from Seattle.

This level of entitlement spending is unsustainable and will crowd out other essential functions of government. Reforms must be made to ensure that Medicare continues to exist for future generations. And after all, that is what this debate is all about, ensuring that Medicare is going to be there for future generations. As we add a $400 billion drug benefit to a program that already has $13 trillion in unfunded liabilities, we must enact real reforms that will place the program on sound financial footing for the future.

To modernize Medicare and ensure its long-term fiscal viability, H.R. 1 includes incentives for beneficiaries to choose the health care system that provides services in the most efficient manner. Even with these competitive reforms, seniors retain complete freedom to choose a private plan or remain in the traditional fee-for-service program.

H.R. 1 contains no changes to the basic entitlement of Medicare. The traditional Medicare program will continue to be available to all seniors throughout the country and will continue to pay providers in the same way as today.

Again, I must correct the gentleman from Seattle in that this is not a voucher proposal; but these competitive reforms are needed to put Medicare on a sound financial footing for the future. Any changes to the premiums of the fee-for-service beneficiaries will also be phased in over a 5-year period.

Finally, I would close with just echoing what the chairman so eloquently stated in that motions to instruct are generally not helpful.

Mr. Speaker, I urge my colleagues to vote no on the motion to instruct.

Mr. BILIRAKIS. Mr. Speaker, I do not have any further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I urge my colleagues to vote no on the motion to instruct.

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Mr. BILIRAKIS. Mr. Speaker, I do not have any further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I urge my colleagues to vote no on the motion to instruct.
Mr. Speaker, the facts are that traditional Medicare works. It works because it gives full choice of physician, choice of provider, choice of hospital; not choice, as private insurance does, not the choice among insurance agents and insurance HMO brochures.

Traditional fee-for-service Medicare works because it is reliable. It will always be there. You will not find yourself unceremoniously dropped like 2.4 million seniors have been for Medicare HMOs. Ultimately, traditional Medicare works. It works because it preserves to fail in the hands of working Americans. It is the way to create jobs and build a strong economy. If we do not give the low-income people that, in effect, $3.5 billion with offsets to fully pay for it, they passed a bill that costs $80 billion with no offsets, at a time when America's Federal deficit will exceed $1 trillion.

The other body was handed a bill that would have increased tax credits for 6.5 million tax-paying families months ago, and I support their effort. That is why I have introduced this motion instructing the conferees to adopt the other body's language, to put money in the pockets of the working families that need it the most. Even the President has come out in strong support of this clean legislation.

Our priority should be putting money in the hands of working Americans. That is the way to create jobs and build a strong economy. If we do not help our children now, how can we expect to strengthen our Nation in the future?

Mr. Speaker, the House's Republican leadership failed our children and working families. I am disappointed that the leadership is refusing to address the real issue here. It is time to restore true compassion for our Nation's working families. Working families need to know that we have not forgotten about them.

I urge my colleagues, support this motion so we can pass the child tax credit to those who need it most.

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

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

Mr. Speaker, it is sort of an interjection, to put it in the words of the gentlewoman from California (Ms. WOOLSEY). Without objection, the previous question is ordered on the motion to instruct.

Mr. Speaker, you may wonder who 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 preclude such time as I may consume.

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.

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when they say that people lost their tax credit, they lost their tax credit because they were no longer paying taxes. It is just that simple.

So the question before this House is, Should the House take money from people who pay taxes and give it to people who do not pay taxes and do it under the Tax Code? If we are going to put this in the form of handouts, then it should go to the Committee on Appropriations, this is where it should be; but when we put it in the form of tax credits, we are simply taking money from people who pay taxes and giving it to people who do not pay taxes. But let me go through this motion to instruct point by point because there are some points here that we should cover, particularly as it affects the men and women in the military.

The gentlewoman from California (Ms. WOOLSEY) in her motion to instruct has said that the conference report should provide the refundable credit to families in the form of immediate payments in the same manner it was provided to taxpayers who qualified for the original bill. The response is, this provision is no longer valid. The child tax credit payments approved in the Jobs and Growth Tax Relief Reconciliation Act of 2003 have already been mailed out to the families who qualified. Moreover, the House bill does not deny immediate payment. It lets the IRS decide the most efficient way to deliver the payments.

The second point provides that the conference should require that combat pay be included in the definition of earned income for purposes of calculating the refundable child credit for military families. The response is, that the Senate version of the 2003 tax bill specifically excludes combat pay from the calculation of the child credit, unlike what is being asked for by the other side. The Senate is now seeking to reverse its own provision.

The decision to exclude combat pay from the definition of earned income was based on President Clinton's 2001 budget proposal and the Joint Committee on Taxation's simplification study. The motion to instruct contradicts President Clinton's proposal, the JTC simplification recommendation, and the Senate's own action. Nonetheless, a proposal is being considered in the context of the conference; but, again, this is not in the Senate bill.

Number three, the conference report should include tax benefits not found in the Senate bill unless the tax benefits are offset. Our response is that the instruction would effectively cut the child credit from $600 to $700 in 2005 as provided in the Senate bill. Why would we want to do that? Why would the other side want to do that? In addition, this instruction would prevent us from providing the marriage penalty and the child credit. If the instructions were adopted, millions of children would be denied the child credit simply because their parents were married.

The fourth point says that the conference report should include tax relief for military personnel and astronauts who died in the Columbia shuttle disaster. The underlying House bill already provides this tax relief; the Senate bill does not. So this has gone over.

The fifth point that is in is simply a rehash of the other four points.

So I cannot see where anyone on either side of the aisle would want to support this motion to instruct. I urge a "no" vote.

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

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

Mr. Speaker, one of my Republican colleagues favored arguments against extending the child tax credit to the families left out is that these families do not pay taxes and they should not receive a credit. They argue that Congress should not grant tax relief to families who are unemployed or who do not pay Federal income taxes. However, the truth is that all of these excluded hardworking families do pay taxes. They pay payroll taxes, State and local sales taxes, property taxes, excise taxes, and we must ensure that they receive the credit.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentlewoman from California, one, for her leadership as the chairwoman of the Democratic Caucus Task Force on Children and her willingness to take this very important step to instruct the conferees. I thank her very much.

Mr. Speaker, we just have an enormous disagreement, plain and simple; and I am glad that I am standing on this side of the aisle. One side of the aisle really believes that the only way to do this is as provided in the Senate bill does not. So this has gone over.

On this side of the aisle, we truly believe, and the Senate agreed with us with a 94 to 2 vote, 94 for a child tax credit that includes those individuals who are unemployed or under their lives taxed. I believe that is the ultimate tax that has been paid, that is, the men and women on the front lines in Afghanistan and Iraq. Who is paying a tax like that? So are we suggesting that military families who are making between $10,000 and $26,000 a year are not worthy of a very small, minute child tax credit? What an outrage.

I believe there are two bodies. The Constitution set up the House and the Senate, but I do not believe that one has the upper hand for doing good work, and if the Senate, or other body, excuse me, because I am going to be admonished about mentioning the other body, believes that is a viable approach, 94 to 2, how silly it is for us to continue to have this ongoing debate with the same dried-up story, they do not pay taxes. They pay payroll taxes. They pay sales taxes, and I have not looked up every single tax or every one of their personal conditions. There may be a myriad of other taxes that they might pay, car tax, property tax. So they do pay taxes.

But the tax credit is on children, the ailment we are trying to have a credit back to people on the number of children that they have to support, and in doing that, many of our families have used that for the necessities of life. Maybe they have used it for school books. Maybe they have made a rental payment on it. Maybe they have used it to buy extra food.

I do not know how many of my colleagues realize that military personnel are sometimes on what we call WIC and welfare because the money they have to support their family is not enough for them to be able to support their families, and so it is unbelievable that we would not want to provide the partnership to the already-passed Senate provision that says that they will get a child tax credit in the backdrop of the increasing number of poverty. For the first time in a decade, poverty is up and the median household income is down for 2 consecutive years.

New census data recently released shows that the U.S. poverty rate grew from 11.7 percent to 12.1 percent. Who would not think that would happen in this administration? Jobs have been lost. We have lost over 3 million jobs. We just debated and passed an unwieldy $77 billion supplemental that no one can get their hands around, and our troops are not getting their paychecks. They do not know when they are going to come home. There is no exit strategy, and we are building schools galore in Iraq.

And I believe in a charitable foreign policy. I just believe we should do it collaborating with others; but we are going to be building schools, hiring police, building roads and bridges, and giving them $21 billion on behalf of the reconstruction of their oil, but yet we can stand here on the floor of the House and have someone get up and suggest that it is not right, not necessary to provide our young men and women in the military, families with a simple child tax credit.

It is unbelievable that we would stand here and argue against the value of providing our children, our Nation's children, with the idea of a child tax credit.

The other thing that I would want to say is it is interesting how we do not want to provide this child tax credit when we ask the administration to put the billion dollar tax cut to the richest Americans and then in addition to this tax credit that goes nowhere but to the richest Americans does not create any jobs. In
fact, some of them have rejected it and said we do not need it. Warren Buffett happens to be one of them.

We are still willing to saddle America’s children with an enormous debt because in the spring of 2001 we had a $5.3 trillion projected surplus. Today, we have a $500 billion in a deficit and growing.

So this is a simple request to this House, and I ask my colleagues to vote enthusiastically to render a child tax credit that will be implemented in this process we can address the needs of our children in America.

Mr. SHAW. Mr. Speaker, in that this is the 16th time we have been through this exercise, at this time I have no requests for speakers, and I reserve the balance of my time. I do recognize that the gentlewoman from North Carolina does have the right to close. So if she would appropriately advise me when she wants to close, I would be glad to do so.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MCINTYRE), a co-chair of the Children and Families Task Force. (Mr. MCINTYRE asked and was given permission to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, I rise today on behalf of the 184,000 families in North Carolina who are unfairly excluded from the child tax credit package. These hardworking families struggle daily to afford food, clothing, school supplies, even sports uniforms for their children. During these tough economic times, it is unfortunate that the families and children who need assistance the most are being left behind.

I urge my colleagues to come together out of compassion and cooperation and commitment for extending relief to the 6.5 million low-income families that are struggling to support their children.

First, we must demonstrate compassion for those who are less fortunate. During tough economic times, we have a lot of families working hard to provide for their children; and we should leave no stone unturned in doing everything we can to help them.

Second, we must also demonstrate a sense of cooperation to ensure that all working families benefit under the child tax credit. Last May, we voted to accelerate the child tax credit and send many families a check for $400. Now is the time for this body to reach yet another agreement and not deny the same $400 check to our low-income families.

Where I come from, $400 goes a long way to help families with school supplies, clothes, rent and other very personal family needs.

Finally, we must uphold our commitment to restructuring economic growth for the entire population, including many of our military families. Last year alone, 1.7 million individuals fell into poverty. We must not delay in helping them any longer. We must show that we do have compassion, the cooperation and the commitment that this body can work together and help these families.

For 4 months now, we have debated the child tax credit. Today is the time for compassion, cooperation and commitment to pass the child tax credit and helping our families, our children, and our future.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume. I would like to reiterate one more time to the families who did not receive child tax credit relief when checks were mailed out this summer:

More than three-quarters, 801,000, of the children of sales workers; more than half, 903,000, of the children of janitors and maids; more than half, 526,000, of the children of cooks and other kitchen workers; more than half, 290,000, of the children of farmers and farm workers; two out of five children, 376,000, of child care workers and their aides; one out of four, 433,000, of children of secretaries and related office workers; one in five, 264,000, of children of truck, bus and cab drivers; more than 260,000 of active duty military personnel.

Mr. Speaker, how can we forget so many families who are the backbone of our Nation’s safety, transportation, health, food supply and other children’s care?

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

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

Mr. Speaker, I would just like to make a few points that I think are very important. The gentleman from North Carolina gave a very impassioned speech, but what he did leave out is that to go ahead and get this bill conferenced and stick to the House language, most of the people he talked about are off the tax rolls. In fact, all of them will be off of the tax rolls if this happens. And that is a good thing, because we have in our bill that we passed, the $90 billion bill, we took millions and millions of Americans off of the tax rolls. And they are low-income people where we need to do this.

Also, the gentlewoman’s motion to instruct would cut the tax credit from $1,000 to $700. Why do we want to do that? Why does the other side want to do that? I really do not understand the logic in doing this.

But, in any event, we have been through this many, many times. We are going over worn-out roads, and at this point I would, again, urge a “no” vote on the motion to instruct.

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

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume, and in closing, I wish to repeat that the gentlewoman is talking about pay taxes. They pay their employment taxes, their payroll taxes, they pay local sales taxes, they pay property taxes and franchise taxes, sometimes. They are taxpayers. They earn a living, and they are the backbone of this Nation.

Mr. Speaker, according to the Citizens for Tax Justice, the child tax bill passed on June 12, 2003, by the House Republicans, we raised the tax burden on 1.6 million working class Latino families.

Military families who live in my district, and whose children serve proudly in our military, will get no child tax credit. Yet somehow, Republicans found $90 billion to give to 200,000 millionaire families, while taking a million working class Latino families got nothing.

And yet again, Republicans found $20 billion for reconstruction in Iraq, while working class families got nothing for reconstruction here at home.

As our deficit grows, $400 billion for Fiscal Year 03 and $500 billion for Fiscal Year 04, these working families will get something... a higher debt burden they can pass onto their children, loss of essential health services, infrastructure funds, environmental protections and social security.

These families deserve more than that, they deserve a child tax credit.

I implore my colleagues of good conscience and compassion across the aisle to join me in supporting the Motion to Instruct Conferees and give our working families, our military families and all American children a Child Tax Credit!

Ms. DELAURO. Mr. Speaker, it is hard to believe that we have been discussing this matter for 5 months now. 5 months ago, the extension of the child tax credit was stolen from six-and-a-half million families, 12 million children—a million of whom are in military and veterans families. 5 months have passed, since we first discussed how every one of these low-wage-earning families pay more in taxes than Enron, a multi-billion-dollar company that paid no taxes in the last 4 or 5 years.

It is simply unforgivable. The other body passed a bill months ago. The President’s spokesperson said then that the House should take it up, and the president would sign it. Why then is the Republican leadership so reluctant to lift a finger to help people who work—people who pay taxes, people who have children? Republicans pass tax cut after tax cut for the wealthiest Americans, and then they cut out the families of 12 million children.

As much as the other side of the aisle would like to say that they do not pay taxes, they do pay taxes—they pay property taxes, they pay sales taxes, they pay payroll taxes, and they work and live paycheck to paycheck.
ADJOURNMENT TO FRIDAY, OCTOBER 24, 2003

Mr. SHAW. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, October 24, 2003.

The Speaker pro tempore. Is there objection to the request of the gentleman from Florida? There was no objection.

ADJOURNMENT FROM FRIDAY, OCTOBER 24, 2003 TO TUESDAY, OCTOBER 28, 2003

Mr. SHAW. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, October 24, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, October 28, 2003, for morning hour debates.

The Speaker pro tempore. Is there objection to the request of the gentleman from Florida? There was no objection.

SPENDING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SHAW. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LETTERS FROM CONSTITUENTS

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, back in 1838, the conservative leadership in the U.S. House of Representatives passed a resolution prohibiting the discussion of slavery, essentially banning the debate of slavery in this body, which was the largest blot on our national heritage. For 4 years, people were not allowed to debate the issue of slavery on the floor of the House of Representatives.

Former President, then Congressman John Quincy Adams, night after night, day after day, week after week, came to the House floor, and not being able to debate slavery, he read letters from his constituents, most of them women, who could not vote in those days in the middle of the 19th century. So he read letters from his constituents protesting government policy on slavery.

Today, we have seen in this body the continued suppression of debate on whether or not the Bush administration told the truth about Iraq, a continuation of disallowing of amendments that would have provided and supplied for our soldiers better than they have been, and that the military is able to, and so, as a result, Mr. Speaker, today I want to read letters from my constituents about some of those issues.

Sharyn from Fairlawn, Ohio, writes: No to $87 billion to Iraq. Yes to education that has suffered under President Bush. Yes for the creation of jobs that have suffered under Bush. Yes for giving financial aid to the small businesses, to provide for our soldiers better than they have been, and that the military is able to. Sharyn from Fairlawn, Ohio, writes: I'm talking about the fact that we have lost 3½ million jobs since President Bush took office. In my State of Ohio, one out of every seven manufacturing jobs has disappeared, much of it because of bad trade agreements, and much of it because of Bush economic policies. One out of seven jobs has disappeared.

Erica, from Clinton, Ohio, writes: To continue writing blank checks to the team responsible for the deplorable mess in Iraq is throwing good money after bad. With the current team overseeing the reconstruction of Iraq, there will be no end in further demands for additional money. Keep large corporations from making important decisions in Iraq.

What Erica from Clinton, Ohio, is talking about is the fact that the Halliburton corporation and many other companies have received large, unbid contracts from President Bush and from the Pentagon to rebuild Iraq. It is the same company, Halliburton, which still is paying its former CEO, present Vice President of the United States, Richard Cheney, still paying. Vice President Cheney $13,000 every month.

So we have Halliburton, which has gotten literally billions of dollars in contracts, many of them unbid gifts from taxpayers, unbid contracts. Hundreds of millions of dollars in unbid contracts, billions of dollars overall. Halliburton has gotten this money and much of it is not accounted for. Yet the Vice President of the United States is still receiving $13,000 a month from this company, not to mention Bechtel and other corporations, most of which are friends of the President and major contributors of the George Bush reelection campaign.

Celia from Strongsville writes: No more money should be allocated for Iraq until we make Bush's administration accountable for it and tell us what he is doing with it.

Again, she is talking about Halliburton, the $13,000 a month to Vice President Cheney, and all the money unaccounted for going to these large corporations which are major contributors to the President.

Celia continues to write: You cannot cut taxes and continue to increase spending without bankrupting the next generation in this country. When Congress appropriated $87 billion last week, at the President's demand, understand every one of those $87 billion was borrowed money from the next generation.

Celia then closes by saying: I used to think Republicans were more fiscally responsible than Democrats. I know that is not true any more.

Jack from Strongsville, Ohio, writes: Enough is enough. Let us stop losing American lives and get back to saving our country.

Ed from Strongsville, Ohio, writes: We need to have more money for things other than defense initiatives. The Iraq war has totally distracted us from the real issues of terrorism and from our domestic economic agenda.
What Ed from Strongsville is talking about is the President and the administration have lost sight of going after Osama bin Laden, lost sight of going after al Qaeda, lost sight of protecting us at home, lost sight of spending money at home, for those jobs to homeland security, and, in stead, has gone into another country and is spending these untold billions on reconstructing Iraq.

Ed concludes by saying: It is time for a constructive effort to fiscal responsibility.

Mr. Speaker, many of us have received hundreds, thousands of letters from our constituents upset about this policy and they want some direction. They want no more corruption in Iraq.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFAZIO) is recognized for 5 minutes.

(Mr. DeFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HOUSE SHOULD ELIMINATE DEATH TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor again. This is my fourth or fifth week of coming down at least one time a week to remind the leadership of the House, both Republican and Democrat, that each and every time a man or woman dies for this country, whether it be in training or in Iraq or Afghanistan, when the family not only buries that loved one, the next year they will receive a tax from Uncle Sam on a small amount of money called a death gratuity. It is $6,000.

I have a bill in, and it is my second year of introducing legislation to eliminate that tax. It was put on by mistake in the early 1990s; but since that time, everyone in uniform that has died for this country, weather peacetime or wartime, the families have paid the gift of that child who died for freedom, particularly now in the war in Iraq and Afghanistan. Behind me are the faces of those, just a few, who have given their lives for America. Outside of my office, 422 Cannon, we update each and every week the faces of those who have given their lives.

It touches one's heart to see people walking down the hall stop to take a moment to look into the faces of those who have died for freedom. That is the purpose of honoring those who have given their lives and families, by having peacetime and wartime there is an expensive cost for freedom, and that is the lives of those who have given their lives for this great Nation. I am hopeful that the leadership will be bringing legislation to the floor that will reduce and eliminate that tax on the death gratuity.

Mr. Speaker, I show this photograph of a young man whose name is Tyler Jordan. Tyler is from Connecticut. His father was Marine Gunnery Sergeant Philip Jordan. This was one of the shots I saw in the newspaper that touched my heart so much that I contacted the photographer and asked him to buy this photograph. This young man is 6 years old. He has the American flag under his arm which draped his father's coffin, and he is looking at the coffin holding his father.

The reason I keep bringing this to the floor along with these other photographs is because this Congress cannot leave this year without passing legislation to eliminate the tax on the death gratuity. For this young man and his family to receive a bill from Uncle Sam in 2004 to pay the tax on the gift of his father, and the husband and son, it just does not make any sense.

Mr. Speaker, I am encouraged. The gentleman from Arizona (Mr. RENZI) and I have been working on this issue, and I have been told that the gentleman from Arizona (Mr. RENZI) will be bringing legislation to the floor that will increase the death gratuity and also eliminate the tax. I am pleased to say that I know that every Member of Congress on both sides of the aisle will join us in passing the legislation and send it to the President before we end this year. It is wrong and unacceptable that any family given a loved one to this Nation for freedom would be sent a bill from Uncle Sam in 2004 to pay the tax on the gift of his father, and the husband and son, it just does not make any sense.

Mr. Speaker, I am encouraged. The gentleman from Arizona (Mr. RENZI) and I have been told that there will be legislation coming to the floor that will eliminate the tax and also will raise the death gratuity.

Mr. Speaker, we must remember that these men and women who have given their lives for this country, that all families have been enough and they need not give any more to Uncle Sam. With that, Mr. Speaker, I close by asking God to please bless our men and women in uniform, please bless their families, for God to please hold in his loving arms those who have given a loved one for freedom. I ask God to please bless the young men and women in uniform. I ask God to please bless the leadership that we will do what is right in the eyes of the Lord. I ask God to please give the President of the United States wisdom, courage, and strength to do what is right.

Mr. Speaker, I close by asking three times, please God, please God, please God, please God continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO TERRI SCHINDLER-SCHIAVO

Mr. FEENEY. Mr. Speaker, tonight I rise to speak for the life of a fellow citizen, Ms. Terri Schindler-Schavo. Her story has been heard worldwide and I join millions across the world, including our Governor, Jeb Bush, to urge that her feeding tube be replaced and her life spared.

According to the web site established on her behalf, Terri was 26 years old when she suffered brain damage from a sudden collapse. She receives her food and water by means of a feeding tube. Terri's other bodily functions are physically stable. Terri smiles, laughs and cries. Terri recognizes voices and responds. At times, she vocalizes sounds, trying in her best way to speak.

While these situations are heart-breaking for all of those involved, we need to remember that all life is precious. It is not for us to measure what constitutes "valuable life v. invaluable." We never know how one's life may impact others. While Terri's life seems "a waste" or "over" to others, she obviously brings delight and happiness to her family and those around her. Her parents and siblings have fought in court to keep Terri alive.

Members, the prospect of a society that places price-tags on human life, is terrifying. We must uphold the American precedent that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life..." I stand in support of Terri's family, as well as our Governor and State leaders who are trying to preserve this precious life.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

(Mr. KIND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.
in the bosoms of evil and hunted in the citadels of freedom. They are the faceless foes of a million-mile front in a war without borders or bounds, but with this grim reality: they want to kill us. They want to kill our children. They want to kill their children. And to kill them - and kill themselves, too. Make no mistake, the only way to stop them from killing us is to first kill them until they capitulate. The war is here. The war is now. And unless and until our victory is won, every American man, woman and child will be in a perilous state of imminent threat from terrorists and their patrons because, as proven by the sneak attack on September 11, the extremists’ existence is an imminent threat to our existence.

Given this grim reality and our enemies’ assets and liabilities, defeating terrorists requires severing them from their sponsoring states and sympathizers in tiered theaters of operations determined and devised as necessity and opportunity provides; and within these theaters of operations involved, diplomatic, economic and military, must each be tailored by time and circumstance for maximal advantage and efficacy. It is a root-and-branch approach and its allies must uproot regimes supporting terrorism; serve notice on other rogue regimes to cease and desist in their succor of terror, lest they suffer the same fate; and leave terrorists to die on the vine of their own dependencies and the steel of our resolve.

Within this mission, theaters of operations must first be defined. Tragically, the tier-one theater has already been designated for us: the homelands of America and her allies. Tier-two theaters exist within those nations in which America and her allies must diplomatically, economically, and militarily act to end a rogue regime’s intransigent sponsorship of terrorism. Prioritizing tier-two theaters is an agonizingly difficult task; but a practical, tripartite regime change, reconstruction calculus can be formulated from the factors of necessity, victory, and stability.

First, necessity is determined by the rogue regime’s continued support of terrorism, a question answered only by these nations’ actions. Secondly, victory’s viability is determined by the prospects for a successful regime change, through diplomatic, economic, or military means. Third, stability is determined by the prospects of reconstructing within the newly liberated nation a stable, civilized, indigenous government opposed to terrorism.

Regime change and reconstruction are the twin pillars of one policy: victory. Having effectuated a regime change, the U.S. and its allies cannot idly and anxiously await a newly liberated nation’s indigenous developments in politics and economics for, devoid of stability and a steady progression toward democracy and prosperity, a deposed regime’s vacuum will be filled by more ruthless rulers or by anarchy, and either outcome will foster terror’s network.

The U.S. and its allies must promptly and purposefully act, even prior to the final ending of military hostilities, to commence reconstructing newly liberated countries and actively facilitating their reentry into the community of civilized nations opposed to terrorism. Such reconstruction will not happen instantaneously; but reconstruction will not happen inexpensively. But happen it must, lest the war on terror never end.

But strategic imperatives are insufficient rationales for Americans to wage war. As a civilized people, we will only fight a just war, one necessarily engaged and morally waged.

In prosecuting the war on terror, America solidly stands on the moral high ground. The moral legitimacy of our war on terror is lost upon many amidst the fog of rhetoric surrounding the determination of which rogue regimes supporting terror must be changed through American military force. The logic remains: as all civilized nations have allied to end terrorism, any contrary country harboring and helping these criminals is, itself, uncivilized and criminal; and such a rogue country’s immoral regime is illegitimate within the community of moral nations.

As for the moral legitimacy of unilateral American preemption of rogue regimes aiding and promoting terrorism, the United States, a sovereign Nation, cannot and will not delegate or subordinate to any country or international organization our morally justified duty of defend and deliver ourselves from evil. Having already been grievously wounded by an unannounced, uncompromised attack on our soil, the U.S. is already in a state of war against terrorists and their state sponsors, and is morally justified in speaking out and bringing to justice all who aid and all who abet our self-appointed enemy. The doctrine of preemption, then, is both morally justified and wholly irrelevant, because the terrorists’ insidious onset to this war means the war on terror is now. America is not arbitrarily or preemptively prosecuting a prospective war on terror; America is necessarily defending itself against terrorists and their state sponsors in a war which reached our shores over 2 years ago.

In the final analysis, because America was immorally and unilaterally attacked, America can morally and unilaterally counterattack. We have the means to succeed and the moral duty to do no less. Throughout this just war on terror, America possesses a moral right to seek rogue regime changes; and America possesses a moral responsibility to reconstruct liberated nations. This is not a path to anarchic and inequitably imposed peace for Americans who, in rebuiding our war-torn enemies following World War II, honorably fulfilled the promise of their late
President, Franklin Roosevelt: "Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights to keep them. Our strength is our unity of purpose."

Preceding such unity of martial and moral purpose can only be fulfilled by rehabilitating the newly liberated countries of Afghanistan and Iraq into democratic Middle Eastern allies in the world’s war on terror.

Immediately following September 11, 2001, the United States and its allies against terror squarely set their sites upon Afghanistan, whose primitive Taliban regime repeatedly refused to terminate its assistance for the butchers of innocents.

Affirmatively evaluating the necessity for and viability of a regime change, and the prospects for reconstruction and post-conflict stability within Afghanistan and the region, on October 7, 2001, America’s initial tier-two theater of operations opened in Afghanistan. Then, targeting terrorist enclaves and training camps and various Taliban military and political assets, the U.S. and our allies, including indigenous anti-Taliban Afghans, struck with unprecedented speed and success and the rogue regime rapidly disintegrated and capitulated on November 13.

Following the fall of Kabul, the U.S. and its allies have engaged in both military operations against terrorists and Taliban loyalists and reconstruction operations with the Afghan people. Militarily, there exists a NATO force of 5,000 troops in Kabul to provide security and stability to the fledgling government of President Hamid Karzai, and there remains a U.S.-led coalition force of 11,500 troops throughout the country to hunt down al-Qaeda and Taliban diehards. In reconstruction efforts, the U.S. alone has contributed over $9 billion in assistance to the people of Afghanistan, including the rehabilitation of 72 hospitals, clinics and women’s health care centers; the vaccination of 4.3 million children against measles; the treatment of 700,000 cases of malaria, the enrollment of 4 million children in school, the repatriation of 2.5 million Afghans to their homes, the commencement of 6,100 water projects to aid farmers, and commitment to rebuild the Kabul Kandahar road.

To date, this concerted implementation of a regime change rebuilding nexus, still in its infancy, has been successful in eliminating the state-sponsored terrorism of the Taliban, facilitating a stable new government progressing toward democracy and prosperity, and increasing America’s and the world’s security.

For the allied forces, this success in the Afghan tier-two theater of operations provided concrete milestones and guideposts along the path toward the next tier-two theater of operations, Iraq.

Under the despotic direction of Saddam Hussein, Iraq long posed a danger to America and the international community. Suffice to say the threat was recognized by all nations after Iraq’s 1991 invasion of and expulsion from Kuwait. Curiously, though, after the onset of the war on terror, minds have differed over whether or not Iraq’s viability for war and its became only after all the world community in general, sufficiently existed to compel martial force be used to effectuate an Iraqi regime change.

There should be no doubt. Applying the regime change-reconstruction calculus proves opening the Tier 2 Iraqi theater of operations was a strategic imperative in the war on terror. First, Iraq constituted a necessary Tier 2 theater of operations due to its refusal to stem and, instead, perpetuate its state sponsorship of terrorism. Interestingly, as early as 1998, the agreement on this point appeared nearly unanimous. "The only answer to aggression and outlaw behavior is firmness. He Saddam will rebuild his arsenal of weapons of mass destruction and someday, some way, I am certain he will use that arsenal again and again times since 1983." National Security Adviser Sandy Berger, February 18, 1998.

From the same day I quote: "Iraq is a long way from here but what happens there matters a great deal. For the leaders of a rogue state will use nuclear, chemical or biological weapons against us or our allies is the greatest security threat we face." Secretary of State Madeleine Albright, February 18, 1998.

"One way or the other, we are determined to deny Iraq the capacity to develop weapons of mass destruction and the missiles to deliver them. That is our bottom line," President William Jefferson Clinton, February 4, 1998.

Given Saddam Hussein’s unabashed and unabated hatred of Americans and his willingness to conspire with murderers of any stripe to kill Americans, the evidence of which continues to slowly but surely seep to the surface despite the old regime’s attempts to bury and burn their intelligence records, the terror attacks on September 11, 2001, seemed to solidify the early consensus American national security required a regime change in Iraq.

"We know that he, Hussein, has stored secret supplies of biological and chemical weapons throughout his country. Iraq’s search for weapons of mass destruction has proven impossible to deter, and we should assume that it will continue for as long as Saddam is in power." Former Vice President Al Gore, September 23, 2002.

The necessity test met, what was the viability of deposing Hussein and his minions? While the level of U.S. and allied military force required was debated, especially in the presence of the United Nations’ cooperation, the viability of successful Iraqi regime change was little disputed by knowledgeable minds. Iraqi forces remained hobbled after their defeat during the liberation of Kuwait, and its economy languished under postwar economic sanctions. Still, it was not an easy decision and never is when sending good American sons and daughters into harm’s way. But it was a decision that all involved concluded would lead to a victorious military operation. Events, to date, have validated this original assessment.

On March 20, 2003, the U.S. and its Coalition of the Willing allies launched military strikes against Iraqi leaders. By April 5, U.S. tanks entered Baghdad. By April 9, U.S. troops aided Baghdad residents in toppling a statue of Saddam Hussein, thereby symbolizing his removal from power. By April 14, the Pentagon announced it “would anticipate that the major combat operations are over” and it began the process of sending air and naval forces home. And finally on May 1, President Bush declared end to combat operations in Iraq. Yet even as the general assessment of the viability of an Iraqi regime change was upheld, significant opposition has arisen and jeopardizes the final stage of the operation, the reconstruction of a stable, democratic and prosperous Iraq.

Initially, the postregime change reconstruction of Iraq portended a long, but ultimately successful, transition to a stable democratic state. The Iraqi people, though long oppressed by Hussein, remained a highly-industrious, highly-educated people, possessed of a long history replete with notable accomplishments in the areas of agriculture, commerce, science and scholarship. Once liberated, it was projected, Iraqis would seize upon their newfound freedoms to forge a new nation of equality and prosperity and join the league of civilized nations.

According to the State Department, Iraq has experienced post-Saddam progress in the areas of security, essential services, economics and governance. On the security front, significant accomplishments have occurred.

More than 40 of the 55 most wanted former Iraqi officials have been apprehended by Coalition forces. Northern Iraq and the Shi’a heartland, running from just south of Baghdad to the Kuwaiti border, have been secured; and recruitment for the first battalion of the Iraqi National Army has commenced, with 1,200 Iraqi being trained this year and 40,000 to be trained over the next 2 years.

Essential services, too, have progressed. All of Iraq’s hospitals and 95 percent of its health clinics have opened and are providing services, including the dissemination of 22.3 doses of measles, TB, hepatitis B, diphtheria, whooping cough, tetanus and polio vaccines required to inoculate 4.2 million children.

More than 100 schools have been rehabilitated, with 600 more projected to be completed prior to the start of the
school year. Ninety percent of Iraq's public schools and all of Baghdad's universities have reopened.

Dilapidated and looted power, water, and sewage treatment facilities have been rehabilitated and electricity generation now nears 75 percent of prewar levels.

Further, phone service has been restored to hundreds of thousands of customers; and massive cleanups of Baghdad's poorest neighborhoods have advisory councils.

July 13. All major Iraqi cities have city councils and over 85 percent of Iraqi towns have town councils. All Baghdad neighborhoods have advisory councils.

Eleven government ministry buildings have been rehabilitated or equipped, and dozens of nongovernmental organizations are being funded to deliver local services and build a civil society. As noted by Secretary of Defense Donald Rumsfeld on September 25, when measured against past reconstruction efforts, specifically those in Germany following World War II, the progress in Iraq is striking: “Within 2 months, all major Iraqi cities and most towns had municipal councils, something that took 8 months in postwar Germany. Within 4 months the Iraqi Governing Council had appointed a cabinet, something that took 14 months in Germany. An independent Iraqi Central Bank was established and a new currency announced in just 2 months, accomplishments that took 3 years in postwar Germany. Within 2 months a new Iraqi police force was conducting joint patrols with Coalition forces. Within 3 months we had begun training a new Iraqi army, and today some 56,000 are participating in the defense of their country. By contrast, it took 14 months to establish a police force in Germany and 2 years to begin training a new German army.”

Moreover, Iraqi reconstruction successes are especially striking when one realizes the new Germany’s reconstruction only followed Nazi Germany’s unconditional surrender and the cessation of hostilities. In Iraq, while the major operational conflict is over, the Coalition is rebuilding a country with which we are still at war. The major military conflict phase ended with the fall of Baghdad. But the fall of Baghdad was not a surrender. It was a strategic retreat, one devised to commence the war’s guerrilla phase.

Baathist diehards, Saddam loyalists and foes drawn to Iraq are employing terror’s ruthless tactics to wage a guerilla war against American soldiers and a psychological war against American citizens. These cowardly criminals’ ghoulish goal is to kill as many innocent civilians as possible through force and terror, disheartening American public to demand a hasty withdrawal from Iraq. The criminals learned this lesson from the successful North Vietnamese military dictum asserting their war with the U.S. would not be won or lost on battlefields of Southeast Asia but in the streets of America. Thus, heartened by every politician’s or pundit’s groundless pontificating to the effect Iraq is our new Vietnam, these Iraqi extremists will continue to employ terror to any false hope they will usurp power when a dispirited America retreats. They are, of course, wrong. America will not retreat from Iraq. America will reconstrukt Iraq. And we will do so in the very face of this guerilla phase of the Iraqi campaign.

Unfortunately, this act of humanitariansm is both unprecedented in world history and little noticed by the world community, including many members of the Bush administration. I always believed we fully recognized the context and accurately gauge the progress of Iraqi reconstruction forms a misguided basis for opposition to Iraqi reconstruction, jeopardizes the coalition’s efforts to win the Iraqi theater of operations, and increases the odds of Iraq becoming the first setback in America’s and its allies’ war on terrorism. And it is not the only misguided basis for opposing Iraq reconstruction. While subsequent events have so far vindicated the decisions dictated by the regime change-reconstruction calculus regarding the necessity and viability of regime change in the Iraqi theater of operations in the war on terror, the stability wrought only through successful reconstruction efforts remains elusive due to international, Iraqi and American opposition.

In 1940, England’s finest hour arrived as it singlehandedly fought off the Wehrmacht war-machine subjugating Europe. In his radio broadcast of September 29, 1940, Mr. Churchill, implored the United States to abandon its intrasign, antiquated isolationism and join the struggle to save civilization from Nazism. Ironically, we now find ourselves similar to the United States of World War II, in a similar situation in the concert of international events and the court of world opinion. Yet unlike the opposition Prime Minister Churchill faced from international appeasers and American isolationists in the nascent stages of World War II, in the war on terror no civilized country denies the danger and all demand its end. Still, many nations are reticent to make the hard sacrifices needed to end terror. This is thoroughly disgusting but hardly surprising. Nearing the close of World War II, a former isolationist and eventual bipartisan leader in international cooperation, U.S. Senator Arthur Vandenberg, Republican of Michigan, squared addressed the problem of international cooperation against common foes:

It means the continued and total battle fraternity of the United Nations. It must mean one for all and all for one, and it will mean this unless somehow in the midst and alliance the stupid and sinister folly of ulterior ambitions shall invite the enemy to postpone our victory through our own rivalries and our own cold conflicts. Nations, in even greater unity of military action than heretofore, must never, for any cause, permit this military unity to fail again. If it does, we shall count the cost in mortal anguish even though we stumble on to a belated though inevitable victory. This is an obligation which rests no less upon our allies than upon us and no less upon us than our allies. First things must come first. History will not deal lightly with any who undervalue or undermine this aim ere it is achieved. Destiny will one day balance any such ghastly accounts.

Now I am not so naive as to expect any country to act on anything other than self-interest. I know of no reason why it should. That is what nations are for. I certainly intend that intelligent and loyal Americans, not self-interested, vigilantly and vigorously guarded as is amply obvious from time to time in their own behalf by the actions of our allies. The real question always becomes just this, where does real self-interest lie? Until last week, the answer was mixed, with too many nations cravenly calculating to meanly subsidize their security from terrorism with the blood of American and allied soldiers. Yes, the recent unanimous approval by the United Nations’ Security Council of Resolution 1511, (2003) provides a faint, begrudging admission a democratic Iraq would benefit the world community.

However, these nations’ true test will come not through their delicate words, but through their concrete deeds. The international community’s first concrete deed must be relieving the new Iraq of the debts amassed by the old Iraq. The resolution of this issue involving billions of dollars of debt, much of it munitions debts owed to members of the very United Nations Security Council which sanctioned Iraq, yet who continued to sell weapons to this former rogue regime until the removal of Mr. Hussein, will prove the real answer to where these nations believe their real self-interest lies. Regardless of their decision on the debt, and their track record does not portend a proper one, the U.S. and its allies must still fulfill the obligation of international etiquette to ask these other nations’ participation and cooperation. But we must, throughout the process, rid ourselves of any delusion these nations will suddenly abandon their old greed and accept their true duty. And we must dedicate ourselves to the arduous task of reconstructing the new Iraq.
wherever these nations perceive their real self-interest to lie.

This debt test also applies to American supporters of reconstruction efforts who advocate U.S. reconstruction funds to Iraq be tendered as a loan rather than a grant. The question may or may not have a substantive answer, but the faint of short-term pecuniary interest, it will eclipse the faint hope the world's predator-creditor community will relent from their billions in claims upon Iraq. The death of this slim hope will then write its own wicked epitaph by crossing the never-never sea under oceans of red ink, precluding Iraqi prosperity, undermining Iraqi democracy, and spawning a new Iraq regime of the old Iraq regime, by the old Iraqi regime and for the Iraqi regime, or worse.

Prior to determining where their real self-interest lies, these international amassers of Iraqi debt and American loan proponents should read an elementary treatise recording the mounting miseries of their philosophical predecessors beginning with the Treaty of Versailles up to the Weimar Republic and on through the rise of Nazi Germany. Then they might see their position may or may not “saddle our children with tomorrow’s debt”; but it will saddle our children with today’s threat.

Not surprisingly, active Iraqi opposition to reconstruction is comprised of the same thugs who opposed Iraqi regime change, namely, deployed members of the former Baathist regime, former soldiers who were disbanded under the first wave of de-Baathification, and terrorists both native to and newly arrived in the country. These band’s opposition to a new, democratic Iraq is self-evident. They will fight to the death to restore the old Iraq, for they have nothing to live for in the new Iraq. The larger, long-term obstacle to reconstruction is the passive nonparticipation of large segments of the Iraqi population. Typified by a reticence to assist Coalition forces and nongovernmental organizations in rebuilding efforts, this defacto opposition is a direct result of recent history. Too often Iraqis have witnessed Saddam’s apparent demise only to see him resurrected; and, not illogically, a chary Iraqi populace will not risk life and limb in reconstruction efforts so long as there exists a glimmer of danger the Coalition will depart and Saddam will return.

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Despite this indigenous opposition, the benedict prospects for long-term reconstruction. The active opposition must and will be dealt with by both coalition forces and the new Iraqi security apparatus; while the defacto opposition must be dealt with through a firm coalition commitment to reconstruction, consistent progress towards democracy and prosperity, and by Saddam’s corpse.

Finally, there exists domestic American opposition to the reconstruction of postwar Iraq. Such opposition is fascinating, particularly when viewed in light of the President’s $87 billion Iraqi reconstruction request, a reasonable request, the New York Post observed, as it was less than “the sum to replace a chunk of Manhattan, which could easily top $100 billion, not to mention the toll on the broader economy.” And not to mention the death toll of 3,000 Americans on September 11.

Why this domestic opposition? To begin with, the numerous commentators in war utilized information, or more crudely, propaganda, to galvanize one’s homefront and demoralize an opponent’s homefront. In the war on terror, contrarily, and especially in the area of homeland security, unprecedented propaganda constraints severely de-limit a nation’s ability to broadcast its victories to its citizens.

Practically and strategically, the U.S. and its allies cannot list all of the terrorist attacks prevented without jeopardizing precious and often scarce intelligence sources, instructing terrorists as to the real internal machinery of homeland defenses, and discounting and demoralizing our citizenry. America is reduced then to accepting the proposition no news is good news, equating government officials’ silence with homeland security’s efficacy, and all the while they are expect to remain fully engaged in the war on terror. It is a daunting and dire circumstance.

In yet another dubious precedent of the war on terror, Americans rarely hear of our wins and our enemies rarely hear of their losses. The inverted equation becomes elementary and insidious: the more successful the effort to stop terrorist attacks on American soil, the more likely Americans are to believe the war has already been won or the threat significantly diminished. And for terrorists, the successful attack amidst a sea of defeats will delude them into believing they are winning and will lead them to ever greater depths of depravity.

Exacerbating and intertwining with the (no news is good news) conundrum of the war on terror is the man-bites-dog dictum of journalism fostering a lack of news or negative news will not prove a formidable obstacle to garnering domestic support for Iraqi reconstruction efforts.

Finally and most formidably of all domestic opposition to reconstruction stems from America’s still retaining a strong current, however scattered and dispersed, of isolationism and, of course, of the twin branches of traditional isolationism and, ironically, liberalism’s post-Cold War hyperglobalism. Liberalism’s post-Cold War hyperglobalism is, in reality, a thinly veiled venture to dispense with any pretense of America’s national interests to international organizations. Inevitably, such hyperglobalist requests for international aid or assistance or cooperation or partnership on issues affecting traditional isolationism, or, in fact, a pretext to providing an international veto prior to America’s defending its interests.

In doing so, hyperglobalism would alienate America from its own national security interests by subordinating them to America’s national interests to international organizations. This, in effect, would isolate America from its supreme sovereign duty to defend its own interests and from its special role to defend freedom and democracy throughout the world.

Naturally, while America must still always welcome international support to defend freedom and ourselves, in the war on terror where America is the enemies’ primary target, isolationism disguised as hyperglobalism is ridiculous and dangerous: if we surrender our self-defense to the whims and good wishes of the U.N., soon we will never be more loved and never more dead.

The separate branch of the same tree, traditional isolationism, is thought as ideological casualty of Pearl Harbor, has never expired because of its emotional, albeit fanciful, appeal: Who would not want to avoid foreign wars costing the lives of Americans? Of course, so few people have a wish so enticing, and this of course is why so many politicians propound isolationism, be it however subtly or less than subtly.

For example, consider these excerpts from a certain Senator’s radio address: “My friends, it is this satanically clear, clever propaganda that appeals to Christianity, the idealism, the humanity, and the loyalty of the American people that takes us into war. “Do not let yourselves be swayed by mass hysteria. “Warmongers, sordid romantics, reckless adventurers, and some whose sympathies and sentiments are strong, their reasons, would plunge this Nation into war. Plunge us into a war from which we would gain nothing.”

“Do not let yourselves be misled by the so-called notables. . . . they do not represent labor, the farmer, the youth and the mothers or fathers of America. . . . Americans in greater numbers must firmly resolve and express themselves that we will fight no offensive war. “

The Senator continued: “America’s war ought to be against industrial unemployment and low farm prices. . . .
"We sympathize with the oppressed and persecuted everywhere. We also realize that we have great problems at home, that one third of our population is ill-fed, ill-housed and ill-clad, and unless and until this situation is corrected, our democracy is in danger." He then concluded: "I cannot help but feel that we should settle our own problems before we undertake to settle the problems of Asia, Africa, Australasia, South America and Europe. As Americans interested first in America, we cannot make this mistake."

This isolationist ode to only spending Americans' money solving Americans' domestic problems comes not from the current Iraqi reconstruction debates. They were the remarks of U.S. Senator Burton Wheeler, Democrat, Montana, in opposing the Roosevelt administration's lend-lease proposal with England.

Still, the crude crux of the matter, originally posed by Senator Wheeler on date by his isolationist ilk from the debates over aid to Greece and Turkey through the Marshall Plan right up to today's debates over Iraqi reconstruction remains: What is in it for us? A bitterly ironic inquiry from baby boomers, Democrats who once applauded FDR's inaugural challenge to "ask not what your country can do for you," but I digress.

What is in it for us is what is in it for everyone: a stable, democratic, and prosperous new ally in the war on terror serving for generations to come as a bulwark in the struggle for the survival of our Nation and world civilization.

True, some isolationists find the survival of freedom and civilization far less tactile goals than, say, a new road or free condoms, but the survival of freedom and civilization must suffice as our abiding cause in this time of national crisis.

Serious as what is more presently pressing: erecting schoolchildren new classes or eradicating schoolchildren's killers? Where must we urgently expend our resources: finishing the liberation of Iraq and standing tall at the front door of terrorism, or spending ever more money at home so when terrorists blow in our back door, they can admire our compassion as they kill us?

Right now, more than ever, we must resist all of isolationism's shortsighted and self-interested appeal. We must not permit the least America asphyxiate upon its tissue of lies. And may God spare the souls of those who do partake of the isolationism's fools gold only to find its blood money, blood money borrowed at the collateral cost of future Americans killed.

This we will not do to our children. This we will not do to our civilization. This we will not do to ourselves. History is a harsh mistress, beautifully chaste in her truth, but brutally cruel in her treatment of fools who fail to learn her lessons. So while many today may not recall Senator Burton Wheeler's name and many presently reprise his siren song of isolationism, for both, history will record and return an equally ignominious and indelible indictment. Or worse, for our contemporary isolationists.

After all, the isolationist Wheeler railed at the "suckers" in 2000. Americans were killed at Pearl Harbor. The new isolationists railed after 3,000 Americans were killed on 9-11.

Mr. Speaker, waging and winning the war on terror requires the arduous diplomatic, economic, and military operations, often including the comconitant tactics of rogue regime change and reconstruction, in tiered theaters of operations. To do so throughout this unsought struggle, we must mobilize our Nation's greatest resource: ourselves.

For while our path is clear, our road is hard. But we must trod it ever bravely to a better world for ourselves and our children. There is no turning back to await an ignoble death.

In his December 26, 1941, address to a joint session of Congress, Prime Minister Winston Churchill warned another shocked generation of Americans to expect "a very rugged fight" into the next generation to firmly press on: "Some people may be startled or momentarily depressed when, like your President, I speak of a long and hard war. But our peoples would rather know the truth, somber though it be. And, after all, when we are fighting for the survival of freedom and civilization far less than today.

As Americans, we are honor bound to defend freedom for ourselves and all the world. And no one more ably embodied and expressed this grim acceptance of our sacred duty than our valiant wartime Commander in Chief, whom I quote: "There comes a time when you and I must see the cold, inexorable necessity of saying to these inhuman, unfettered seekers of world conquest, and political world domination, by the sword: 'You seek to throw our children and our children's children into your form of terrorism and slavery. You have now attacked our own safety. You shall go no further.'"

"Normal practices of diplomacy, note writing, are of no possible use in dealing with international outlaws who . . . kill our citizens."

"One peaceful nation after another has met disaster because each refused to look the danger squarely in the eye until it actually had them by the throat."

"The United States will not make that fatal mistake . . ."

Our President continued: "I have no illusions about the gravity of this step. I have not taken it hurriedly or lightly. It is the result of months and years of constant thought and anxiety and prayer. In the protection of your Nation and mine, it cannot be avoided.

"The American people have faced other great crises in their history, with American courage, and with American resolution. They will do no less today.

"They know the actualities of the attacks upon us. They know the necessities of a bold defense against these attacks. They know that the times call for clear heads and fearless hearts."

"And with that inner strength that comes to a free people conscious of their duty and conscious of the righteousness of what they do, they will, with Divine help and guidance, stand their ground against this latest assault upon their democracy, their sovereignty, and their freedom.

"These were the inspirational words our wartime President, Franklin Delano Roosevelt, which he used to conclude his fireside chat on national defense. The date: September 11, 1941. Be it September 11, 2001, our Nation, founded as a revolutionary experiment in democracy and remaining so to this day, so too remains the primary target of all would-be world despots. Consequently, as every generation of Americans in humble and the bolder forms of our liberty, every generation of Americans has the right and responsibility to defend our Nation and civilization against every tyrant and terrorist who knows they cannot enslave and exterminate humanity so long as the United States and its people breathe and fight on against them."

Mr. Speaker, in this, our moment, such is our duty, we must accept. And it will be met, in this, our finest hour, until tomorrow when time and kinder day await. May God continue to grace and guard and bless our United States of America.

SUPPORTING ROAD MAP FOR DEMOCRACY IN BURMA CONFERENCE

The SPEAKER pro tempore (Mr. PORTER). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I rise today to congratulate and support the
Road Map for Democracy in Burma

Conference, which was held in Fort Wayne, Indiana, my hometown, on October 11 through 12, 2003. I had the distinct pleasure to address the conference and speak to some of the attendees. The challenge for us is to insert this Road Map for Democracy in Burma into the CONGRESSIONAL RECORD, and let me explain why.

My colleagues are well aware of the military dictatorship currently ruling in Burma. In July of this year, the House passed the Burmese Freedom and Democracy Act, which imposes sanctions on Burma until the military gives up power and a new democratic Burma is established.

While the Burmese appreciate the support of the United States, they are working among themselves to organize a future democratic Burma. The conference in Fort Wayne brought together members of the democratically elected Burmese government-in-exile and the ethnic groups. As the gentleman from Michigan (Mr. McCOTTER) recently explained in the last few minutes, the problems that we face in Iraq, Burma, in fact, is trying to address these in advance. They had a democratic government overthrown by the military. If they are not trying to pull the different factions together to be prepared, when this junta collapses, with a balanced democratic government.

Burma has long been plagued with ethnic tensions. The delicate balance among ethnic groups was shattered early in Burmese independence. Since the military takeover in the 1960s, many ethnic groups have been persecuted and harassed. In such an atmosphere, suspicion and mistrust have been the norm.

This conference was particularly significant, because so many of the Burmese ethnic groups were brought together to discuss Burma’s future. The fact that the groups were able to meet in one room together is a noteworthy accomplishment. Compare this to the problems we had in Iraq. In my hometown we have 125 Iraqis who fled. There are Sunni, Shia and Kurds. Prior to the recent conflict in Iraq, when I wanted to meet with the different groups, they would not meet together. That was a pretty good foreshadow of what was going to happen when we got into Iraq.

In fact, we have nearly 2,000 Burmese in Fort Wayne. When we tried to meet there, initially some of the ethnic divisions were a problem even in meeting with their United States Congressman from that district.

This conference, unlike what we are seeing in many places of the world, we see the Burmese and the different ethnic groups trying to pull together to address what kind of a country they want in Burma when democracy is restored. Cooperation among the groups at this conference is an important step towards a future democratic Burma.

The road to democracy is not easy for any country, and Burma is no exception. I believe that the resolution unanimously passed by the conference is a positive step in the right direction. Democracy in Burma will only be achieved if all the Burmese people, and I will continue to work with them and do what I can to help them achieve their goal of a free and democratic Burma for all Burmese.

Mr. Speaker, I will insert in the Record following my remarks “The Full Road Map for Democracy,” and I will just summarize a couple points.

In this Road Map for Democracy, they established a long-term goal. For example, number one is, “To fully realize that goal, the committee in charge of establishing a sequencing body has been formed.” Because, as they state right at the beginning, “The conference firmly believes that the objective of the struggle to abolish dictatorship and promote democracy in our country.” Successfully: “Being achieved only through self-reliance.” They understand that basic principle.

In the section “Future Plan for Inland and Overseas Democratic Struggles,” they say, “In accordance with the belief of the Road Map for Democracy in Burma Conference held in Fort Wayne, that the elimination of the dictatorial system in Burma is the only way to successfully achieve genuine democracy and national reconciliation among all ethnic nationalities, and that the only path that can lead to the realization of that goal is a correct road map from all of us.”

Then they proceed to lay out who are some of the steering committees. Under “Solidarity of Nationalities of Burma,” point Number 1 is, “There must be equality and self-determination for all ethnic nationalities,” a major step that we do not see in many of the other nations around the world. They have detailed things on unity-building committees.

Under strengthening ethnic unity, for example, they say, “All nationalities should learn the language of at least one nationality other than their own,” and “Ethnic nationalities should mutually respect each other.”

For a strategy to end military dictatorship in Burma, they have things as diverse as, “Accept the leadership of Daw Aung San Suu Kyi, the National League for Democracy,” the elected president who has been held in exile.

Number 2 is, “Any political change not based on the results of the 1990 elections will not be accepted.”

They also point out, “The unwavering political objective of this conference is democracy and the establishment of a federal union.”

So they are very clear where they stand on the issue of democracy.

They have also, in conclusion, how to press the military regime in Burma by international communities and the United Nations.

Point one was to step up economic sanctions against the military regime of Burma through the United Nations Security Council.

Point two was to seek stronger pressure from the international community to secure the release of Daw Aung San Suu Kyi and all political prisoners.

But they also have very explicit things in the resolutions. For example, to urge the Burmese expatriate community to stop paying tax to SPDC, the military junta, embassies, and other specific things.

I commend this group and this conference for actually laying out a road map, having a plan of how to work together, how to build a country, so we do not see repeats of our struggles in Iraq, which are very important, which we must back up. We do not really have much option.

But, at the same time, to the degree we do, to this in advance of a people getting their freedom back, this is what we need to do.

Mr. Speaker, I include the following for the RECORD:

[From the News Sentinel, Oct. 13, 2003]

PARTICIPANTS WORKED OUT SEVERAL KEY RESOLUTIONS

(BY KEVIN KILBANE)

They agreed any transition to democracy in Burma would begin with leader Aung San Suu Kyi, whom the ruling military dictatorship has kept under virtual house arrest for more than a decade.

Members of the various ethnic groups making up the Burmese refugee community agreed they all must be given political equality and the right of self-determination.

Most importantly, however, Burmese attending the two-day Road Map for Democracy in Burma conference this weekend in Fort Wayne agreed to work together.

“All arguments are settled,” said U Peter Limbin of Bluffton, who was elected to the Burmese parliament and other pro-democracy officials elected then had to flee to escape government persecution.

About 300 Burmese gathered for the conference Saturday afternoon and Sunday at Nell Hall on the campus of Indiana University-Purdue University Fort Wayne. Organizers held the event here because the 1,500 Burmese in Fort Wayne make up the largest Burmese community in the United States.

The conference drew representatives from Burmese pro-democracy groups around the world. People flew in from Australia, New Zealand, Japan and Thailand, said Zar Wint, 30, of Fort Wayne, who attended the conference.

“I feel like I am home again,” Wint said as many different conversations swirled around him, all in Burmese.

Guests also included Sein Win, acting prime minister of the exiled democratic government.

Burmese pro-democracy groups have enjoyed support from the United States and European Union, Win said during a break Sunday. Trade sanctions and travel restrictions those nations have placed on the Burmese government apply pressure for change. But Burmese refugees must network more to increase the pressure on the regime to step down.

“We need more push,” he said.

To develop such strategies, people attending the conference broke into six panels to
Students Association and letters spelling out international hearing room. The red, gold place, Neff Hall tional skirtlike longis — Kyi hung on the sides and front of the stage. bers. Portraits and posters of Aung San Suu cheered in response. women in business or traditional attire would stand to make a comment or propose by area U.S. Rep. Mark Souder, who pledged would recognize the equality and right to self-determination of all Burmese ethnic groups. Members of the Aung San Suu, Shan and Chin ethnic groups exhibited unprecedented co-operation when planning the conference. The resolutions how to replace the ruling government. Ethnic solidarity generated the most emotional debate. All of the discussion took place in Burmese peppered with occasional English words or phrases—“U.S. Assistant to the President” for example—when no Burmese equivalent existed. The room where the presentation took place, Neff Hall’s auditorium, resembled an international hearing room. The red, gold and white flag of the Democratic Burmese Students Association and letters spelling out “Roadmap in Burma Conference” hung on a velvet curtain behind the long tables set up on stage for panel members. Portraits and posters of Aung San Suu Kyi hung on the sides and front of the stage. Men in blue jeans, suits and ties or traditional skirtlike longis—and, occasionally, women in business or traditional attire—would often stand up to make a comment or propose an amendment. Listeners often clapped or cheered in response. The proposed resolutions for following Aung San Suu Kyi and working for replacement of Burma’s dictatorship drew the most enthusiastic cheers and applause. The conference closed with an appearance by area U.S. Rep. Mark Souder, who pledged to get resolutions “in the hands of the right people” in Washington.

The “Roadmap for Democracy in Burma Conference” held in Fort Wayne, Indiana, 11–12 October 2003, unanimously passed the following resolutions:

The conference firmly believes that the objective of the struggle to abolish dictatorship and quality of life in Burma, can be achieved within only through self-reliance.
1. To fully realize that goal, the committee is established a self-help fund raising body has been formed.
2. (2) The term of the committee will be (12) months.
3. The committee will draft and approve rules, regulations, and procedures which will extensively be global in nature.
4. To increase which will come into force immediately from the date it is formed, has been assigned to undertake self-funding programs.

Future Plans for Inland and Overseas Democratic Struggles

In accordance with the belief of the “Roadmap for Democracy in Burma Conference” held in Fort Wayne that the elimination of the dictatorial system in Burma is the only way to successfully achieve genuine democracy and genuine national reconciliation amongst the ethnic nationalities, and that the only path that can lead to the realization of that goal is the correct roadmap for all of us.

A concerted struggle must be waged both domestically and internationally through various means to remove the vicious SPDC military clique. After careful considerations of all issues, it is decided that the force inside the country is the key force and the force inside the country is the deciding factor.

The key players who will be waging the deciding struggle are:
(a) The Committee Representing the People’s Parlia
tion of the National League for Democracy led by Daw Aung San Suu Kyi;
(b) The “Veteran Politicians”;
(c) United Nationalities League for Democracy and the ethnic nationalities; and
(d) Masses (students, monks, workers, farmers, etc.) from all strata.

To provide all-round support to the intensification and improvement of the “anti-dictatorship and people’s liberation activities” of these key players is the most important requirement and the responsibility of our forces outside the country.

The conference unanimously viewed that a work committee is needed to effectively perform responsibilities, and it was formed accordingly.

Solidarity of Nationalities of Burma
1. There must be equality and self-determination for all ethnic nationalities.
2. Like other ethnic nationalities, Myanmar nationalities should also be sincere and decisive in standing as one racial group.
3. The other ethnic nationality groups should recognize that the Burmese military is not an organization that represents the Myanmar nationalities.
4. When choosing a name for the federal union of the future, it should be representative of all the ethnic nationalities in the country.
5. Unity Building Committee comprising representatives of all ethnic nationalities should be formed.
6. With an eye to strengthen ethnic unity, all nationalities should learn the language of at least one nationality other than their own.
7. Ethnic nationalities should mutually respect each other.

Strategy to End Military Dictatorship in Burma
1. To accept the leadership of Daw Aung San Suu Kyi and the National League for Democracy.
2. To work toward the European Union to recognize the equality and right to self-determination of all the ethnic nationalities in the country.
3. To work toward the implementation of resolutions passed by the International Labor Organization at its conference in Year 2000.
4. To work toward the European Union to provide all-round support to the international and United Nations pressure and United Nations General Assembly.
5. To request the United Nations Secretary General to fully implement the Burma resolutions passed by successive sessions of the United Nations General Assembly.
6. For the Burmese democratic forces worldwide to urge international governments and members of Parliament concerned to exert pressure on the Burmese military regime.
7. To collect information and prepare reports to increase the effectiveness of the Burma project.
8. To prevent the SPDC from selling off land owned by the Burmese people in foreign countries where Burmese Embassies are located.
9. To propose to the conference to form an Networking Committee so that Burmese democratic forces all over the world can coordinate their activities and work in unity.
have a growing number of Americans who are living in abject poverty, barely keeping their heads above water.

Mr. Speaker, there has always been a wealthy elite in this country, that is not new, and there has always been a gap between the rich and the poor, between the disparities in wealth and income that currently exist in this country have not been seen since the 1920s.

In other words, instead of becoming a more egalitarian country, with a stronger middle-class, we are becoming a Nation in which the rich have more wealth and power, the middle-class is shrinking, and poverty is growing.

Mr. Speaker, today the wealthiest 1 percent own more wealth than the bottom 95 percent. One percent own more wealth than the bottom 95 percent. The CEOs of large corporations today earn more than 500 times what their employees are making. While workers are being squeezed, being forced to pay more for health insurance, while their pensions break from the White House, the middle-class was that one worker in a family could work 40 hours a week and earn enough income to pay the bills. In my State of Vermont, my small State of Vermont, we have lost 16 percent of our manufacturing jobs, which comprise 16 percent of the total. That is right. You heard that right. In the last 3 years, 2.7 million were in the manufacturing sector. This is an issue we have to put right up there on the radar screen, and we need to debate.

Mr. Speaker, manufacturing in this country is currently in a state of collapse. Let us be honest about it. In the last 3 years, we have lost 27 million manufacturing jobs, which comprise 16 percent of the total. That is right. You heard that right. In the last 3 years, we have lost 16 percent of our manufacturing jobs. At 14.7 million, we are at the lowest number of factory jobs since 1958.

In my own State of Vermont, my small State of Vermont, we have lost some 8,700 manufacturing jobs between January 2001 and August 2003, and the pity of that is that in Vermont, manufacturing jobs pay workers middle-class wages. In Vermont, on average, a worker working in manufacturing makes over $42,000 a year. That is a decent wage. We are losing those jobs, and the new jobs that we are creating are paying only a fraction of what manufacturing jobs are paying, and almost always provide much, much weaker benefits.

Mr. Speaker, in 2002 the United States had a $435 billion trade deficit, a $435 billion trade deficit. This year, the trade deficit with China alone, one country, China, is expected to be $220 billion, and that number is projected to increase in future years. It has gone up and up and up. The National Association of Manufacturers estimates that if present trends continue, our trade deficit with China will grow to $330 billion in 5 years.

But our disastrous trade policy is not only costing us millions of decent paying jobs; it is squeezing wages. It is squeezing wages. Because many employers are saying if you do not take the cuts in health care, if you do not take the cuts in wages, we are going to move to China, we are going to move to Mexico.

One of the areas where people are being most severely hurt is among young workers without a college education. For entry-level workers with out a college level education, the real wages that they have received, that they are now receiving, have dropped by over 20 percent in the last 25 years. And the answer and the reason for that is quite obvious. 25 years ago, 30 years ago if somebody did not go to college, as most people did not, what they would be able to do is go out and get a job in manufacturing. And millions and millions of workers did that. And with those wages and those benefits, they were able to lead a middle-class existence and raise their kids with a decent standard of living. But the reality now is that the new jobs that are being created, the jobs at McDonald's and the jobs in Wal-Mart are not paying people a living wage.

What is happening to our economy today is best illustrated by the fact that some 20 years ago our largest employer was General Motors. And workers at General Motors who still earn today, a living wage. Today, Mr. Speaker, our largest private employer is Wal-Mart. And that is what has happened to the American economy. We have gone from a General Motors economy where workers earned decent wages and decent benefits to a Wal-Mart economy where people earn low wages and poor benefits. Today Wal-Mart employees earn $8.23 per hour or $13,861 annually. And that, Mr. Speaker, is a living wage which is below the poverty level.

And that is what the transformation of the American economy is about, an
economy where workers used to work, produced real products, made middle-class wages, had good benefits, to a Wal-Mart economy where our largest employer now pays workers poverty wages, minimal benefits, huge turnover.

Frankly, Mr. Speaker, in hindsight it did not take a genius to predict that unfettered free trade with China would be a disaster, which is why I and many other Members in the House have opposed it from the beginning. With cheated, hardworking Chinese workers available at 40 or 50 cents an hour, and with corporations having the capability of bringing their Chinese-made products back into this country tariff-free, why would American multinational corporations not shut down their plants in this country and move to China? It did not take a genius, frankly, to think that that would happen.

Should anyone be surprised that Motorola eliminated 42,900 American jobs in 2001 and invested $3.4 billion in China or that IBM has signed deals to train 100,000 software specialists in China over 3 years? Who is shocked that General Electric has thrown tens of thousands of American workers out on the streets while investing $1.5 billion in China over 3 years? Who is shocked that Honeywell is a sophisticated corporation. Should anybody be shocked that General Electric has thrown tens of thousands of American workers out on the streets while investing $1.5 billion in China over 3 years? Who is shocked that General Electric has thrown tens of thousands of American workers out on the streets while investing $1.5 billion in China over 3 years?

According to the Commerce Department, 539,000 U.S. jobs will move to overseas competitors in the next 3 years. By 2009 and $1.3 billion by 2010, up from $500 million this year. North Carolina’s Pillowcase Corporation filed for bankruptcy on July 20, 2003, laying off 6,450 of its 7,650 workers and made plans to sell its textile-producing machinery to several nations, including China. Over the past year, Intel has added 1,000 software engineers in China and India. And on and on it goes. The bottom line is that American workers cannot and must not be forced to compete against workers in China who are paid extremely low wages.

Two-thirds of China’s 1.3 billion citizens live on less than a dollar a day. The average factory wage in China is 40 cents an hour. By definition, workers are paid extremely low wages. The average factory wage in China is 40 cents an hour. By definition, workers are paid extremely low wages.

We want our exports to be products manufactured by American workers, not the jobs that American workers have. If we continue to force American workers to, quote unquote, compete against desperate people from China and other developing countries, both in low-wage manufacturing and high-tech, the United States will be the loser.

By definition a sensible and fair trade agreement works well for both parties, not just for one. Trade is a good thing. Trade is a good thing when both sides benefit. When the New York Yankees do not engage in free trade by exchanging their top ball player for a third string minor leaguer.

The United States is the most lucrative market in the world. We need to leverage the value of that market to achieve trade agreements that result in fairness for the American worker and not just for one. But our current trade policies are not working for American workers.

When we talk about trade with China, Mr. Speaker, we should also understand that today 60 percent, 60 percent of Dell Computer parts are made in China. Boeing recently said that it expected to purchase $1 billion worth of airplanes annually in China by 2009 and $1.3 billion by 2010, up from $500 million this year.

Mr. Speaker, when we talk about the decline of the middle class, we are talking about high unemployment; we are talking about the conversion of the United States from a manufacturing
economy to a service economy whereby wages and benefits are much lower.

We are also talking about the fact that in the United States, workers today are now working the longest hours of the workers in any major country on earth. There should be little wonder why the average American family is so stressed out. And one of the reasons they are so stressed out is that people are working incredibly long hours in order to make enough money to pay the bills. Today, the average American employee works by far the longest hours of any worker in the industrialized world, and the situation is getting worse.

According to statistics from the International Labor Organization, the average American last year worked 1,978 hours, up from 1,942 hours in 1990. That is an increase of almost one week of work. Since 1900, the average American is now working an additional week a year. We are now, as Americans, putting more hours into our work than at any time since the 1920s. I just think about that. Huge increases in productivity, explosion of technology, logically, would lead one to believe that people would be working fewer hours for higher wages, but the converse is true. People are working longer hours for lower wages.

A hundred years ago, the United States of America said that every person in their country, regardless of income, is entitled to this country who have received hundreds of billions of dollars in tax breaks to the very richest people in our country while cutting back on the basic needs of working families. Now, at a time when the middle class is shrinking, when poverty is increasing, when more and more people are underinsured, the Bush administration is reaching out to? Well, needless to say, it is their campaign contributors and the very wealthiest people in this country who have received hundreds and hundreds of billions of dollars in tax breaks. Through legislative and administration efforts, the Bush administration is making it even more difficult for workers to form unions and to protect their jobs and incomes. When a worker is a member of a union, by and large that worker will earn 30 percent more than a worker doing a similar job who is nonunion. That is why many workers want to join unions and are getting harder and harder for workers to do that because the law very clearly sides with the employer and the large corporation and not with the worker.

The Bush administration is also attacking overtime for American workers and trying to undo laws that have been on the books for decades which say that if you
worked over 40 hours a week, you will get time and a half. And I am proud that a number of Republicans join many of us on this floor of the House to say that when the middle class is shrinking, when real wages are declining, and working people are having to pay overtime that workers need.

Now, when we talk about the achievements of the Bush administration, and we understand that our deficit is now at an all-time high, that our national debt is going higher, that in the midst of all of this, our conservative friends who year after year told us how terrible deficits were and what kind of terrible obligations we were leaving to our kids and our grandchildren, well, these are the folks that are driving up the deficit, and they are driving up the national debt. Now, why are they doing that? Why are conservatives doing that?

Well, I think there are two reasons. Number one, obviously, the tax breaks for the rich are not hard to understand. Here in Washington, D.C. there are fund-raising dinners in which individuals have contributed $25,000 a plate, large corporations and their executives make huge contributions and that is payback time. Nothing new. The rich make contributions. They get paid back in tax breaks. They get paid back in corporate welfare. They get paid back with their trade policy which makes it easier for them to throw American workers out on the street and ship them out to China. That we can understand. That is obscene, but easily understood.

But, Mr. Speaker, let me suggest to you that there is another even more cynical reason for driving up this deficit and driving up the national debt. And I believe that that reason is that as the debt and the deficit become higher and higher, this President, or any other President, may be forced to come before the American people and say, as our debt is getting higher and higher, that we have no choice but to privatize Social Security, privatize Medicare, privatize Medicaid, privatize public education.

We have got to do it. We have a huge deficit. Oh, yeah, we did give hundreds of billions of dollars in tax breaks to the rich; but nonetheless, the deficit is so high that we have no choice but to privatize Social Security and bring us back to the 1930s when elderly people were the poorest segment of our society; but that is the direction that these folks are moving us towards, and they are moving us toward the privatization of our Medicare.

Think about how many private insurance companies are really going to provide insurance for elderly, low-income sick people. The function of an insurance company is to make money, not to provide good care. And if a person is old and sick and poor, who is going to insure them? They are on their own.

In terms of prescription drugs, an issue that I have worked very hard on for a number of years, the Bush administration is working hand-in-glove with the pharmaceutical industry, the most powerful lobby here on Capitol Hill. While Americans pay by far the highest prices in the world for their prescription drugs, the pharmaceutical industry last year was the most profitable industry in this country.

In order to maintain their status as the most profitable industry, they have hired over 600, 600 paid lobbyists right here in Washington. They descend on the Congress, on the House and the Senate, to make sure that we do not pass any legislation which will lower the cost of prescription drugs. Nonetheless, despite all of the hundreds of millions of dollars they have spent on all of their lobbying efforts, all of their campaign contributions, I am happy to tell my colleagues, Mr. Speaker, that 6 weeks ago, longer than that, the House of Representatives, in a bipartisan way, had the courage to stand up to the pharmaceutical industry and pass legislation that would allow our pharmacists, prescription drug distributors, and individuals to buy FDA-approved medicine in 26 countries including Canada, and if we can get that bill out of the Senate, we will be able to lower prescription drug costs in this country by between 30 to 50 percent. Unfortunately, on this issue, we are fighting not only the pharmaceutical industry but the Bush administration and the Bush campaign, which has received substantial support from the drug companies.

Mr. Speaker, on another area that is of enormous importance to the American people and more and more Americans, and I think the Bush administration is moving in precisely the wrong direction in terms of media consolidation. In my view, one of the crises that we face in our country today is fewer and fewer large media conglomerates own and control what we see, hear, and read, and that is becoming harder and harder to achieve, as fewer and fewer companies own what we see, hear, and read.

Instead of acknowledging that problem and moving us to a more diversified media, where we will have local media reporting on local issues, where it will be different points of view being heard, there will be more diversity in our media, the Bush administration is moving in exactly the wrong direction.

Michael Powell, who is chairman of the FCC, with the strong backing of the Bush administration, passed with a three to two vote on June 2 media deregulation, which will allow for fewer and fewer companies to own what we see, hear, and read. That is what we need. The American people need to have a diverse media, and one point of view being heard.

The Senate, listening to the demands of the American people, had the courage in a bipartisan way, Senator BYRON DORGAN, Senator TRENT LOTT helping to lead the effort, had the courage to pass a resolution of disapproval with regard to what the FCC did. In other words, they said we want to junk it. That bill is now here in the House of Representatives; and working with some of my colleagues in a bipartisan way, we have now garnered 190 signatures on a letter to the Speaker of the House, because the bill is now on the Speaker's desk, and we have asked the Speaker, that the American people have the debate and a vote about whether or not we want more media consolidation. I sincerely hope that the Speaker will allow that debate because if that debate takes place, I believe that the American people will win.

Social Security has its problems; and in my view, Social Security must be strengthened. Seniors must be receiving larger COLAs, but the solution to the problems that we may have are not What we are seeing in terms of media is fewer and fewer large corporations controlling the flow of information in America. Clear Channel Radio now owns 1,200 radio stations all over this country.

In America, what our freedom is about is debating different points of view. No one has all the right answers, but we cannot flourish as a democracy unless we hear different points of view; and it is becoming harder and harder to achieve, as fewer and fewer companies own what we see, hear, and read.

What we are seeing in terms of media is fewer and fewer large corporations controlling the flow of information in America.

Clear Channel Radio now owns 1,200 radio stations all over this country.
Mr. Speaker, when we talk about America, we often pride ourselves upon being a free country, a free country; and it is easier to stand in front of the American flag and give great speeches about freedom than it is to really fight for freedom. One of the elements of freedom is to understand, among other things, not quite everything, not everything that somebody says or does is something that we agree with, but what freedom is about is tolerating any and respecting other points of view, of understanding that people have the right to read whatever they want to read, have the right to an attorney when they need an attorney.

I was one of the relatively few people in the House who voted 6 weeks after the horror of 9/11 against the USA PATRIOT Act, and I voted against the USA PATRIOT Act not because I am not concerned about terrorism. I happen to believe that terrorism is a very serious issue and that the United States government must do everything that it can to protect the American people and fight terrorism, but I voted against the USA PATRIOT Act because I believe we can fight terrorism without undermining basic constitutional rights, which is what the USA PATRIOT Act is doing.

Again, on this issue, we have seen some very interesting nonideological coming-together. We have seen some really very conservative people who are honestly concerned with issues like national security, they do not believe in Big Government they do not want the United States Government monitoring the reading habits of the American people in their libraries or their bookstores. Unfortunately, again, on this issue, the Bush administration and Attorney General John Ashcroft are on the wrong side. They are, in many respects, working to undermine the basic constitutional rights that are given, that have made this country.

So, Mr. Speaker, let me conclude by stating that it is high time that the Congress of the United States begin to focus on the needs of the middle class, the vast majority of our people, the middle class of which is shrinking, the middle class in which the average person is working longer hours and for lower wages. America will grow when the middle class grows; and to do that, we need some fundamental changes in our policies.

We need a national health care system which guarantees health care to all Americans. We need to raise the minimum wage to a living wage. We need to fundamentally change our trade policies so that we do not continue to see the collapse of manufacturing. We need to make sure that every American, regardless of income, has a right to go to college. We need to rescind the tax breaks that have been given to the wealthiest people. We need some fundamental changes in our tax structure which works for the middle class and not just for the wealthy and the powerful.

There is a lot of work that must be done, and I look forward to participating in that effort.

PRESCRIPTION DRUG COSTS

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I come here tonight to set the record straight because last night the Food and Drug Administration Commissioner, Mr. Mark B. McClellan, made some statements in a speech before the National Press Club that I think need to be corrected.

One of the big problems that we face as a Nation is that pharmaceutical products and the cost of them is totally out of line with the rest of the world. For instance, and I have used this example many times to give us an idea of the cost of pharmaceutical products. A woman who has breast cancer, a doctor will tell her the drug of choice is Tamoxifen, and Tamoxifen in Canada costs about one-sixth or one-seventh of what it does here in the United States. There is another number of other pharmaceutical products that cost five, six, or seven times what they cost here in the United States. The same thing is true in Germany, in Spain, and France and a lot of other countries in the world. So the American consumer are paying five, six, seven times what they cost in other parts of the world for the very same pharmaceutical product.

The big issue has been whether or not these products, if they are reimported into the United States, are safe. Over 1 million, probably a million and a half, American citizens have been buying their pharmaceutical products from Canada because they can get them so much cheaper up there than they can here in the United States. So there was a question of safety, are these people being injured by reimporting these pharmaceutical products from Canada?

I had four hearings before my committee and subcommittee on this very issue, and we had people from the Food and Drug Administration, Mr. Hubbard who is a deputy over there, come and testify before our committee about the safety of the reimportation of these pharmaceutical products. I asked him this example may be an example to give us any examples of where people had been injured by pharmaceutical products, FDA-approved, that had been reimported into the United States. He could not find one example, not one, and yet the FDA continues to say that there is a safety issue about the reimportation of these pharmaceutical products.

They do not mention that they are supposed to check the food supply and the importation of foods from around the world, but 40 percent of our orange juice comes from around the world, and that is not checked, maybe 1 percent of it is, and raspberries are imported from Guatemala. We had 1,024 people either get sick or die from those that we know of, and yet we do not mention those, and yet they talk about the safety of pharmaceutical products when we have not had one case of being injured by pharmaceutical products from Canada.

Yet, last night, Mr. McClellan said in his speech, “But at the same time, these Members,” talking about Members of Congress, “at the same time, the Members” of Congress are clear out of touch with the realities of keeping our drug supply safe, and the clear and present dangers to America’s drug supply that their bills would create.”

He is talking about a bill that we passed overwhelmingly here in the House. When they buy pharmaceuticals in those sites, they send them out in large containers. Now, if there is a safety issue, it would be at those sites, because they are sending these drugs out in large containers where there could be tampering. But when they are sent in in very small amounts from Canada or Germany to United States citizens, they are usually in containers that are tamper proof, or could be made tamper proof so that the people have absolutely no safety issue to be concerned about.

So I am very disappointed that the Food and Drug Administration continues to say to the American people and is trying to show that it is not a safety issue. The FDA has approved 949 different sites where they produce FDA approved drugs in the world. That is 949, and in places like Haiti and India and China and elsewhere. There are 949 different sites where they produce these pharmaceuticals and they produce for the American consumer, while the rest of the world does not bear those expenses. I just think that is dead wrong.

The safety issue is a bogus issue. And there is another example that I would like to cite that shows that it is not a safety issue. The FDA has approved 949 different sites where they produce FDA approved drugs in the world. That is 949, and in places like Haiti and India and China and elsewhere. There are 949 different sites where they produce these pharmaceuticals and they produce for the American consumer, while the rest of the world does not bear those expenses. I just think that is dead wrong.

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The Food and Drug Administration ought to be doing everything they can to make sure Americans get the best product, the best prescription drug at the best price in the world marketplace. World class drugs at world class prices. They should not be trying to say there is a safety issue when none exists.

THE CASE FOR LIFE

The SPEAKER pro tempore (Mr. Kline). Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. Pence) is recognized for 60 minutes.

Mr. Pence. Mr. Speaker, it is a privilege to come before the House tonight in a continuous series that this Member of Congress had the privilege of beginning scarcely a month ago, but a series of speeches that I hope will periodically and intermittently be a part of the fabric of my congressional career for howsoever long the Lord permits me to serve here.

I simply call it, Mr. Speaker, the case for life, and it is my ambition from time to time to come to this blue chamber here, it is a privilege to come here, this Chamber, to rise tonight and consider this legislation and end a practice that has no place in civilized society. So it is especially poignant for me, Mr. Speaker, speaking this afternoon, speaking to my colleagues, and anyone else who may be listening, on the moral and intellectual and historical arguments for the sanctity of human life; and to perhaps, Mr. Speaker, in some small way enliven the moral sensibility of a Nation and be a part of an ongoing debate in America on this topic.

Mr. Speaker, this is a debate that continues at this very hour in the other body of this Congress. At this very moment, I am pleased to say, as a pro-life Member of Congress, that the United States Senate is at this very moment passing a conference report on the Partial Birth Abortion Ban Act. That legislation, as of today, will have three times passed the Congress since 1995 and will be delivered for the first time to the willing desk of President George W. Bush, where, unlike the veto stamp of President Clinton that met the ban of partial-birth abortion not once but twice, President George W. Bush, upon returning from his tour of the Asia-Pacific Rim, will no doubt, in an emotional ceremony, put his pen to this legislation and end a practice that has no place in civilized society.

So it is especially poignant for me, just a few steps down the hallway from that Chamber, to rise tonight and continue my discussion of the case for life. And particularly tonight, Mr. Speaker, I feel prompted to speak about abortion and slavery and war, and to speak, Mr. Speaker, to any member of Congress who is aware of the moral sensibility of this Chamber, to rise tonight and consider this legislation, to rise tonight and help put an end to a practice that has no place in civilized society.

There are also other voices that I want to reflect on tonight as well, chiefly from our own history. As we think about the great American women who led this Nation in increasing measures towards equal status for women in voting rights and in property and in education and in suffrage, and women like Susan B. Anthony, Emma Goldman, and Elizabeth Cady Stanton come to mind.

I just came from a stroll in the rotunda, Mr. Speaker, where I grabbed a piece of paper and scribbled the names of a few of those heroic women that actually appear on a statute at the very center of our Capitol. In the rotunda, there is a statute that bears the likeness of the three great heroes of the suffrage movement. Two of them I would like to speak about tonight as we talk about great American women and abortion, but then also talking about what women of America today face in the struggle over the sanctity of human life.

One of the faces on that statute is Susan B. Anthony, a name that is almost like mom and apple pie for most Americans. Susan B. Anthony was born February 15, 1820 in Adams, Massachusetts. She was brought up in a Quaker family that had long activist traditions. Early in life, she developed a deep sense, historians tell us, of justice and what could only be described as moral zeal.

After teaching for 15 years, Susan B. Anthony became active in the temperance movement. Because she was a woman, she was not allowed to speak at rallies, and this experience, as well as her acquaintance with Elizabeth Cady Stanton, led her to help form what became the Women's Movement in 1852. Soon afterwards, she would dedicate her entire life to winning women not only the right to vote, Mr. Speaker, but Susan B. Anthony and Elizabeth Cady Stanton come to mind. And so wrote Susan B. Anthony, words that we will reflect on before I take my seat tonight. Brokenhearted words of the suffering of the unborn innocent and also of the suffering of the American woman who would burden her conscience in life; it will burden her soul in death. But, oh, she wrote, "oh thrice guilty is he who drove her to the desperation which impelled her to the crime."

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Susan B. Anthony, memorialized in the rotunda of the United States Capitol, a woman whose name is synonymous with the voting rights and the equal status that women of 21st century America enjoy, was pro-life and understood the moral consequences that act on an American woman and the deplorable position of a man that would force the outcome.

Elizabeth Cady Stanton also appears on the monument in the rotunda. And she, like Susan B. Anthony, history, Mr. Speaker, history, was active in the American antislavery movement, and later that year Stanton and Lucretia Mott traveled to London to influence the international enrollment on this matter.

In 1840, Elizabeth married the lawyer, Henry B. Stanton, the couple became active in the American antislavery movement, and later that year Stanton and Lucretia Mott traveled to London as delegates to the World Antislavery Convention. Both women, history remembers, were furious. Just like the British women at the convention, were refused the permission to speak at the meeting to denounce slavery.

Stanton later recalled, "we resolved to hold a convention as soon as we returned home and form a society to advocate the rights of women." And so she did. But it was not until 1848 that Stanton and Lucretia Mott organized the Women's Rights Convention in Seneca Falls, Stanton's resolution, that it was the duty of the women of this country to secure to themselves the sacred right to the elective franchise," was passed, and this became the focus of the group's campaign for years to come.

Referring to abortion.

In 1866, Stanton, Lucretia Mott, Susan B. Anthony, and Lucy Stone established the American Equal Rights Association. The following year, the association became active in Kansas where Negro suffrage and women's suffrage were to be decided in a popular...
King, Jr., are memorialized, there are also these three women. Elizabeth Cady Stanton saw a relationship between reducing women to property and reducting the unborn children growing within them to property.

Let me read again. She said, “There must be a remedy for even such a crying evil as this, but where shall it be found, at least where it begin, if not in the complete enfranchisement and elevation of women.” A powerful theme of the suffragette movement would look to future generations and say that the abortions that were taking place in the middle 19th century would some day go away, we would no longer treat unborn children as property if we could achieve the day when women were not viewed as property.

Alice Paul is credited as one of the leading figures responsible for the passage of the 19th amendment, which is the women’s suffragette amendment to the Constitution of the United States of America. Alice Paul was raised as a Quaker, attended Swarthmore College and worked at the New York School of Social Work. She left for England in 1906 to work in a settlement house movement there for 3 years. She was Chair of a major committee of the National American Woman Suffrage Association within a year, in her mid-twenties. In England she had taken part in the women’s suffragette movement, even participating in hunger strikes to make her point. She brought back this sense, some would say, of militancy, I would say more generously of urgency, to the women’s movement in America. It was that urgency that characterized the life of Alice Paul.

Her emphasis on a Federal constitutional amendment for suffrage was at the root of her movement and within the women’s movement; and after the 1920 victory for the Federal amendment, Alice Paul became involved in the struggle to pass an Equal Rights Amendment, which actually passed this Congress in the year 1970, was sent to the States, and it failed. Paul died in 1977 in New Jersey with the heated battle of the Equal Rights Amendment having brought her international acclaim.

Like Susan B. Anthony and Elizabeth Cady Stanton before her, Alice Paul was pro-life. Alice Paul said famously, and remember now, this is Alice Paul, born January 1885, died 1977, essentially the author of the Equal Rights Amendment, which actually passed this Congress in the year 1970, was sent to the States, and it failed. Paul died in 1977 in New Jersey with the heated battle of the Equal Rights Amendment having brought her international acclaim.

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Let me say again, hoping that somewhere in America those words land with a thunder in the conscience of a feminist, that these women who are rightly remembered as heroes of the women’s movement in America, a woman in Alice Paul who even in her twenties was seen as a driving force behind the constitutional amendment that won women the right to vote, seen as instrumental in the passage of the 19th amendment, and then would go on, however I might disagree with her, to be the author of the Equal Rights Amendment which passed this Congress in 1970, some 33 years ago.

Alice Paul would say, “Abortion is the ultimate exploitation of women.”

Like Elizabeth Cady Stanton and Susan B. Anthony, Alice Paul knew and spoke the truth. And so it ever was of women who achieved great distinction at the cause of rights in America from the 19th century through the 20th century, until 1973 when women’s issues became simply another way of speaking about the right to have an abortion.

It is an extraordinary irony of history, Mr. Speaker, to think that a women’s movement born on names like Susan B. Anthony, Elizabeth Cady Stanton, Alice Paul, that was born on the moral consciousness of women, who said I am not property to be owned by a man, and who understood that that unborn child within them likewise should never be seen as property, that that same women’s movement in 1973 would be hijacked by those whose moral view of the sanctity of human life is diametrically opposed to those that founded the women’s movement in America.

Abortion is the ultimate exploitation of women, said Alice Paul, author of the Equal Rights Amendment, and I agree. It is an exploitation of women for physical and emotional reasons. Let me speak to those tonight as I conclude this portion of the case for life, abortion, and American women.

There are many who believe that abortion is safe in America. But truthfully, despite the use of local anesthesia, a full 97 percent of women that have abortions report experiencing pain during the procedure, which more than a third describe as intense, according to medical records, or very severe. Compared to other pains, researchers have rated the pain from abortion as more painful than a bone fracture, about the same as a cancer pain, although not as painful as amputation, according to medical experts.

There are some, including former President Bill Clinton, who insisted to repeat the mantra that it was his goal that abortion would be safe, legal and rare; but abortion is not safe for women, Mr. Speaker. Complications
are common. According to medical experts, bleeding, hemorrhaging, laceration of the cervix, menstrual disturbance, inflammation of reproductive organs, bowel and bladder perforation, and serious infection are commonplace in the aftermath of the most routine abortions in America. Even more harmful than the short-term pain, which women describe as severe, are the potential long-term physical complications that we never talk about in America.

And when I say "we," I mean those who support the right to an abortion and even those of us in the pro-life movement. I will never forget President Clinton's Surgeon General saying, so thoughtfully, that one particular denomination of Christianity needed to get over their love affair with the fetus." So said Surgeon General Jocelyn Elders. Despite the horrific aspects of her comment, the truth is that even we, in the pro-life movement, have not thought enough about the other victim of abortion as well, for there are, as I said at the opening of this series, two victims. We grieve the loss of unborn life, but we need to speak more boldly about the impact on American women, physical and emotional, that abortion extracts.

Among those long-term physical complications, one might, for example, overzealous curetage, a medical procedure, can damage the lining of the uterus and lead to permanent infertility. Overall, women who have abortions face an increased risk of tubal infertility. More controversially, according to the Journal of the National Cancer Institute, there is strong evidence that abortion increases the risk of breast cancer and women should know that.

There are also psychological consequences to American women for abortion. It seems to me that this may have been in the mind of Alice Paul, the author of the Equal Rights Amendment, when she said, "Abortion is the ultimate exploitation of women." Because it seems to me it is altogether convenient for men to have a woman to have an abortion. Men have a rather unlimited capacity to compartmentalize and move on, but what the medical community and the Journal of the National Cancer Institute has found is that most men have known throughout the eons, that women by and large have better hearts than we do, have a greater moral sensitivity than we do, and it is reflected in the research of what has come to be known as postabortion syndrome, which is rising to epidemic levels in America. Clinical research provides a growing body of scientific evidence that having an abortion can cause psychological harm to some women. Psychologist Wanda Franz, Ph.D., in the March 1989 congressional hearings on the impact of abortion said, quote, women who report negative aftereffects from abortion know exactly what their problem is. They report horrible nightmares of children calling to them. When they are reminded of the abortion, Franz testified the women reexperience it with terrible psychological pain. They feel worthless and victimized because they failed at the most natural of human activities, the role of being a mother.

I think in my own heart of conversations with women of my generation who have become active in the pro-life movement but who have found in their faith the grace and the healing to move on, but what the medical community and the Journal of the National Cancer Institute, found that overall women having abortions increased their risk of getting breast cancer before the age of 45 by 50 percent. For women under 18 with no previous pregnancies, having an abortion after the eighth week increased the risk of breast cancer, according to this medical study, by 800 percent. Women with a family history of breast cancer fared even worse. All 12 women participating in this study, who had a family of breast cancer themselves contracted breast cancer before the age of 45. I say this as someone who has consistently supported research with the National Institutes of Health to confront breast cancer. I have had dear friends beset by this scourge and disease and I do not mean to speak in any way insensitively about it or in any way to associate the pain that one woman endures and the other, but rather simply to cite the research, that we can hear the truth echoing perhaps from this place tonight that according to the medical community and the Journal of the National Cancer Institute there is strong evidence that abortion increases the risk of breast cancer and women should know that.

Now that clinicians have established that there is an identifiable pattern to PAS, postabortion syndrome, they face a new challenge. What is still unknown is how widespread psychological problems are among women who have had abortions. The LA Times did a survey in 1989 and found that 56 percent of women who had abortions felt guilty about it. And 26 percent, quote, mostly regretted the abortion, in a poll done by the LA Times. Clinicians' current goal would be to conduct prospective national research studies to obtain data on the size and scope of postabortion syndrome.

When one thinks, Mr. Speaker, of 1.5 million women undergoing abortions every year since 1973, it is almost overwhelming to think of the heartache that must grip the quiet moments of millions of women in our land. And because I am not standing in my home church, Mr. Speaker, I will not tonight explain to them that there is a way out under it, that there is grace and there is forgiveness and there is healing, and in a church near to them they can find it. It will always be my prayer as the Case for Life series goes forward in this country to recognize it. Women who have experienced this under the sound of my voice would never in any way feel judged by this sinner, but that they would know that there is healing and there is grace in a God of mercy, and they would know that those women who urgently needs them to take a stand and to tell the truth to the next generation of women about the cost of an abortion, not just the ending of an innocent human life and every potential that it would ever have but, Mr. Speaker, about the breaking of a heart.

Oftentimes, as I stand before groups of young women in the prime of their life, I am asked about my position on abortion. My pro-life views are fairly well known in Indiana. I always make the point to offer young women in the room a promise, and it is a good place for me to close this installment of the Case for Life tonight as I think about Alice Paul and Susan B. Anthony who believed that abortion was the ultimate exploitation, of women. I will look at these young women, oftentimes in a high school classroom, sometimes in a small church group, and I will look around the room knowing just statistically speaking that there may be 40 young women who are faced without an unwanted pregnancy and are faced with a choice between bringing that unborn baby to term or ending its life in the womb. I always look at those young women and I say, I want to make you a promise that the other side can never make. I said, if you are faced with an unwanted pregnancy and you make the decision, however difficult, with your family's assistance or a crisis pregnancy center near you to be there to help and end the pain, or if you turn that baby over to another family for adoption, versus if you choose to end that life in the womb, if you choose life, I will promise you from...
the moment they hand you that wiggl-
ing little baby in the operating room, whether you raise it or you give it up, there will never be a day in your life but that you know that you did the right thing. And the other side cannot make it worse.

And if the statistics that we heard tonight, the physical cost and the emotional cost of abortion, are not jarring, perhaps that challenge would be, Mr. Speaker. My prayer is that as we think about the great women of American history, the great women of the suffrage movement that won women the right to vote, that wrestled equal standing in the public square because of their courage and their conscience, that those same American women and their daughters and their grandchildren will not someday lead us back to the truth that life is sacred, to the truth that echoes through history in those ancient words, “See, I set before you today life and death, blessings and destruction. Now choose life, so that you and your children may live.”

It is my belief that it will be when that day comes, that abortion comes to an end in America, it will be the women of America who lead us home, just as it was the women of America who led us to a more just society and to an equal station in our culture for women.

With that, I would conclude my part of this Case for Life series, Mr. Speaker, and yield for whatever approach he would choose to make to this issue to a man who has served in Congress for over 20 years, his vibrancy and vitality is intimidating to most of us who serve with him.

\[1830\]

The gentleman from New Jersey (Mr. SMITH) has been an advocate of the cause of life since before Roe v. Wade, and he brings an energy and a commitment to this cause like no other, and I am deeply humbled that he would join me in this series of a case for life, and I yield gratefully to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. PENCE) for his leadership in realizing that we need to accelerate our efforts to inform, to enlighten, and hopefully to motivate America to stand up on behalf of life, to let women know that there are alternatives. We spoke the other day, actually by the gentleman from Indiana (Mr. PENCE) and I and a few others, the gentleman from Arizona (Mr. FRANKS), and we cosponsored a forum on women who had had abortions. As a matter of fact, it was called Women Deserve Better, and we were able to hear from four very brave women, including Jennifer O’Neil and Melba Moore and others, who told their stories of having had abortions and of the horrific consequences that followed to their bodies, to their psychological health as a direct result of that abortion.

And the abortion lobby would like to have us believe that this is something that is better done but not. And it is an evil, very destructive act that is committed upon her unborn child, and women are the co-victims of every abortion. We know that the baby is either chemically poisoned, or he or she is dismembered as a result of the abortion; but we also know that the woman carries with her a terrible price that goes on year in and year out, and regrettably the abortion lobby enables that and somehow suggests that she ought to be happy with that decision.

And I want to say is that there is reconciliation. The Women Deserve Better campaign is trying to reach out to those women who are suffering in carrying the burden of that abortion and to say that there is hope, that there is reconciliation, and that life is life after an abortion; but they need to come to terms with it. And I would encourage all those women who are perhaps listening to be in contact with the Women Deserve Better organization or to talk to someone who has had direct experience, have experienced an abortion themselves and can bring, like I said, some reconciliation to them because, again, there needs to be that. I think, individually and collectively in America if we are to go forward.

Let me also point out, as my good friend and colleague I am sure pointed out, today is truly a historic day having seen the Senate pass by a very wide margin a ban on the gruesome act that is known as partial-birth abortion; where a baby is partially delivered only to have his or her head punctured with scissors in the back of the head and the brains of that tiny innocent baby snuffed out, vacuumed out to complete this horrific procedure known as partial-birth abortion.

Partial-birth abortion, I would respectfully submit, is but the tip of an ugly and unseen iceberg. Just below the surface, the surface appeal of the surface appeal, we have glanced at the gro-

WorldNetDaily site, there was an article on October 17, and I will just read part of it: “Attendees of a national conference for abortion providers watched and listened with rapt attention as the inventor of the partial-birth abortion procedure narrated a video of the grizzly procedure, and then they would get counseling. They would go on year in and year out, and reconcile with themselves and can bring, like I said, some reconciliation to them because, again, there needs to be that. I think, individually and collectively in America if we are to go forward.

As the gentleman from Indiana (Mr. PENCE) knows and as my colleagues know, the loss of human life to abortion in this country has been staggering. 44.4 million babies have been killed by abortions since Roe v. Wade. And, yes, there were tens of thousands killed even prior to it in those States where abortion had been legalized like New York, like Hawaii, like Oregon, but 44.4 million kids. That is one out of every three of this generation missing.

I say to my colleagues, the next time they are in a classroom, look around at the desks, count one, two, then the missing child; one, two, the missing child. This generation, perhaps more than any other in our own history, perhaps more than the Vietnam generation, is not walking in the footsteps of those who by “choice” have been destroyed by an abortionist.

Let me just conclude. On the WorldNetDaily site, there was an article on October 17, and I will just read part of it: “Attendees of a national conference for abortion providers watched and listened with rapt attention as the inventor of the partial-birth abortion procedure narrated a video of the grizzly procedure, and then they would get counseling. They would go on year in and year out, and the unborn child was destroyed. The disturbing and eye-opening event featuring abortion doctor Martin Haskell, addressing members of the National Abortion Federation, was actually captured on audiotape, calmly and dispassionately describing each step of the process up to and including the insertion of the scissors into the base of the baby’s head, followed by the sound of the suction machine sucking out the baby’s head. Dr. Haskell walks his audience through the procedure that opponents hope will finally be banned,” that is us, “during this congressional session. At the end of the
procedure," the article goes on to say, "after the late-term fully developed unborn child’s life has been violently and painfully terminated, the audience breaks into applause."

That is sick, I say to my colleagues. These are the ones that our friends on the other side of this issue will defend passionately. They broke into applause as they had his death. That is what partial-birth abortion is all about. It is the ultimate exploitation of women. We are all about life, life affirmation. Thank God we have a President who respects the dignity and the value of each and every life and will sign this legislation into law, unlike his predecessor.

And I want to thank the gentleman from Indiana (Mr. Pence), my friend, for having these times on the floor so that we can begin the process of educating America. Much work needs to be done. People who watch C-SPAN, know this: we care about life, the unborn, the newly born, all of those who are weak and disenfranchised. Many of us are the leaders on human rights, religious freedom, Trafficking Victims’ Protection Act, and I am proud to call him a friend, a leader in the United States House of Representatives. It is a great day in this House and in these halls of Congress. I am proud to call him a friend, and I am so pleased and proud of his leadership on this issue.

I also want to pay tribute to the gentleman from Indiana (Mr. Pence), who really is the gentleman from New Jersey (Mr. Ferguson), another of my colleagues in this series, a man who brings with him an enormous pedigree in the right-to-life movement. Mr. Ferguson, Mr. Speaker, I am a little out of breath. I just got over here from my office. I was watching the debate and the conversation in my office, and I wanted to participate for a couple of different reasons. Number one, I wanted to pay tribute to the gentleman from Indiana (Mr. Pence), who really is one of the highest ranking and vision in helping to use this forum and use this opportunity to refocus our Nation’s attention on an issue which is as fundamental to us and to our lives and to our society as any that we take up in this House and in these halls of Congress. I am proud to call him a friend, and I am so pleased and proud of his leadership on this issue.

With that, I yield to the gentleman from New Jersey (Mr. Smith), who has been a champion for life and for our society on this Capitol floor, it is my hope that another generation of courageous and visionary American women of courage and conscience will lead us back to that profound moral truth echoed through the ages to choose life.

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Floor of the United States House of Representatives in the United States Capitol when this legislation has passed.

Certainly, I was pleased to join 161 of my house colleagues in cosponsoring this legislation. This is the fifth Congress during which this debate has taken place. I am thankful we have done the right thing to outlaw this procedure once and for all, and look forward to President Bush having a signing ceremony and inviting all the Members of Congress that are very interested in this issue to be there, because I think this will be a great day for America and I think it will be a great day for not only this administration when he signs that, but also the United States Congress.

Mr. PENCE. Mr. Speaker, I thank my colleagues, the gentleman from New Jersey (Mr. FERGUSON), the gentleman from New Jersey (Mr. SMITH) and the gentleman from Alabama (Mr. ADERHOLT), for joining me in this case for life.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

(The following Members (at the request of Mr. MCCOTTER) to revise and extend their remarks and include extraneous material):

Mr. MORAN of Kansas, for 5 minutes, October 28.

Mr. BURTON of Indiana, for 5 minutes, October 28.

Mr. BILIRAKIS, for 5 minutes, October 28.

Mr. FEENEY, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today and October 28 and 29.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 1900. An act to award gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

BILL PRESENTED TO THE PRESIDENT

Jenn Trandahl, Clerk of the House, reports that on October 20, 2003, he presented to the President of the United States, for his approval, the following bill:

H.R. 3220. To amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the Congressional Record, and for other purposes.

ADJOURNMENT

Mr. SMITH of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Friday, October 24, 2003, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third quarter of 2003, pursuant to Public Law 95-364 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, SLOVENIA, AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 5 AND SEPT. 10, 2003

<table>
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<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
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<th>Per diem</th>
<th>Transportation</th>
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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
3 Military air transportation.
4 Euro dollar.
## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. MARGARET PETERLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 13 AND AUG. 23, 2003

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1 Per diem constitutes lodging and meals.  
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DAVID TEBBE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 27 AND SEPT. 2, 2003

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1 Per diem constitutes lodging and meals.  
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO AFRICA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 1 AND SEPT. 3, 2003

<table>
<thead>
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<th>Name of Member or employee</th>
<th>Arrival</th>
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<th>Country</th>
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<th>Transportation</th>
<th>Other purposes</th>
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</table>

1 Per diem constitutes lodging and meals.  
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE PARLIAMENTARY ASSEMBLY MEETING IN THE NETHERLANDS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 4 AND JULY 10, 2003

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1 Per diem constitutes lodging and meals.  
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.  
3 Military air transportation

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, IRAQ, JORDAN, AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 26 AND AUG. 4, 2003

<table>
<thead>
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<th>Name of Member or employee</th>
<th>Arrival</th>
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<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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</tbody>
</table>

1 Per diem constitutes lodging and meals.  
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.  
3 Military air transportation

MARGARET J.A. PETERLIN, October 2003.


### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, JORDAN, AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 26 AND AUS. 4, 2003—Continued

<table>
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<th>Name of Member or employee</th>
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<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
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Committee total: $8,920.00

1 Per diem constitutes lodging and meals.
2 Military air transportation.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, SLOVENIA, AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 5 AND SEPT. 10, 2003

<table>
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<th>Name of Member or employee</th>
<th>Arrival</th>
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<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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<tbody>
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<td>9/5</td>
<td>9/7</td>
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<td>$695.50</td>
<td>750.16</td>
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<td>Mr. Livingood</td>
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<td>9/7</td>
<td>Germany</td>
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<td>750.16</td>
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<tr>
<td>Mr. Eischl</td>
<td>9/5</td>
<td>9/7</td>
<td>Germany</td>
<td>$695.50</td>
<td>750.16</td>
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<tr>
<td>Mr. Palmer</td>
<td>9/7</td>
<td>9/7</td>
<td>Germany</td>
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<td>750.16</td>
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<tr>
<td>Mr. Monson</td>
<td>9/7</td>
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<td>Mr. Walker</td>
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<td>750.16</td>
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<td>Mr. Van Der Meid</td>
<td>9/7</td>
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<td>Slovenia</td>
<td>$54,560</td>
<td>248.00</td>
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<td>Hon. J. Dennis Hastert</td>
<td>9/7</td>
<td>9/7</td>
<td>Slovenia</td>
<td>$54,560</td>
<td>248.00</td>
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<td>Mr. Livingood</td>
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<td>Mr. Eischl</td>
<td>9/7</td>
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<td>Mr. Walker</td>
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<td>Mr. Van Der Meid</td>
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<tr>
<td>Hon. J. Dennis Hastert</td>
<td>9/8</td>
<td>9/10</td>
<td>France</td>
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<td>Mr. Livingood</td>
<td>9/8</td>
<td>9/10</td>
<td>France</td>
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<td>Mr. Eischl</td>
<td>9/8</td>
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<td>Mr. Palmer</td>
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Committee total: $2,548.00

1 Per diem constitutes lodging and meals.
2 Military air transportation.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2003

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<th>Name of Member or employee</th>
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<th>Transportation</th>
<th>Other purposes</th>
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<td>8/2</td>
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Committee total: $9,956.50

1 Per diem constitutes lodging and meals.
2 Military air transportation.
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

4812. A communication from the President of the United States, transmitting requests for FY 2004 budget amendments for the Departments of Agriculture and the Interior to reimburse emergency expenses to suppress forest fires in FY 2003; (H. Doc. No. 108-246, section 2002) (114 Stat. 577); to the Committee on Appropriations and ordered to be printed.

4813. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 2004 (f) (114 Stat. 577); to the Committee on Armed Services.

4814. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Indian Incentive Program [DFARS Case 2002-D038] received October 3, 2003, pursuant to 5 U.S.C. 3013(a)(1)(A); to the Committee on Armed Services.

4815. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement; Approval of Services Contracts and Task Orders [DFARS Case 2002-D034] received October 3, 2003, pursuant to 5 U.S.C. 3013(a)(1)(A); to the Committee on Armed Services.

4816. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12202(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of July 1, 2003; to the Committee on Armed Services.

4818. A letter from the Under Secretary, Department of Defense, transmitting the Department’s report on the amount of purchases from foreign entities in Fiscal Year 2002, pursuant to Public Law 107-117, section 803(d); to the Committee on Armed Services.

4819. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles H. Coolidge, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4820. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency Administrator of National Banks, Department of the Treasury, transmitting a letter to the Department’s final rule — Electronic Filing and Disclosure of Beneficial Ownership Reports [Docket No. 03-23] (RIN: 3157-AC75) received October 1, 2003, pursuant to 5 U.S.C. 3013(a)(1)(A); to the Committee on Financial Services.

4821. A letter from the Secretary, Department of Housing and Urban Development, transmitting notification that it is estimated that the limitation on the Government National Mortgage Association’s (“Ginnie Mae’s”) authority to make commitments for a fiscal year will be reached before the end of that fiscal year, pursuant to 12 U.S.C. 1721 nt; to the Committee on Financial Services.

4822. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12202(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of July 1, 2003; to the Committee on Armed Services.


4824. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission’s final rule — Amendment of Part 2 of the Commission’s Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems [ET Docket No. 00-238]; The Establishment of Policies and Services Rules for the Mobile-Satellite Services in
under Federal law, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intergovernmental Relations (Permanent Select), 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. BALLANCE (for himself, Mr. MILLER of North Carolina, Mr. BALLenger, Mr. CABLE, Mr. PRICE of North Carolina, Mr. MCENTYRE, Mr. WINTER, Mr. TAYLOR of North Carolina, Mr. HUMPHREY of North Carolina, Mr. MCELHINNY, Mr. NELSON of North Carolina, Mr. SMITH of North Carolina, Mr. SHELTON, Mr. HAYES:)

H.R. 3357. A bill to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the "George Henry White Post Office Building"; to the Committee on Government Reform.

By Mr. BOYD:

H.R. 3354. A bill to include in St. Marks National Wildlife Refuge, Florida, the land and facilities comprising St. Marks lighthouse; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. DINgel, Mr. STARK, Mr. Brown of Ohio, Mr. GEORGE MILLER of California, Mr. SCHAUKOSKY, Mr. CARSON of Oklahoma, Mr. RODRIGUEZ, Mr. BARBEE, Mr. MARKEY, Ms. NORTON, Ms. KAPITZ, Mr. SANDERS, Mr. HOEFLER, Mrs. MALONEY, Mr. GRIJALVA, Mr. HINCHEY, Mr. UDALL of New Mexico, Mr. ACEVEDO-VILA, Mr. KUCINICH, Mr. MCDERMOTT, Mr. CORINE BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. BERNMAN, Mr. WEXLER, Mr. EVANS, Ms. ROYBAL-ALARD, Mr. KILDEE, Ms. BALDWIN, Mrs. CAPPS, Ms. SOLIS, Mr. STUPAK, Mr. KLECZKA, Mr. BACA, Mr. MCGOVERN, Mr. HOLT, Mr. PALLONE, Ms. ESHOO, Mr. BRADY of Pennsylvania, Mr. CLAY, and Mr. MCDERMOTT:)

H.R. 3355. A bill to amend titles XVIII and XIX of the Social Security Act to establish minimum requirements for nurse staffing in nursing facilities receiving payments under the Medicare or Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. MARIO DIAZ-BALART of Florida, and Mr. FENEEY:)

H.R. 3356. A bill to amend chapter 8 of title 5, United States Code, to establish the Joint Administrative Procedures Committees; to the Committees on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself, Mr. WYNN, Mr. BEREUTER, and Mr. NORWOOD:)

H.R. 3357. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide protections to members of the Armed Forces who terminate consumer contracts and real estate residential purchase contracts entered into before permanent change of station or deployment orders or motor vehicle plates entered into before military service; to the Committee on Veterans' Affairs.

By Mr. HENSARLING (for himself, Mr. BARRETT of South Carolina, Mr. MARIO DIAZ-BALART of Florida, Mr. BARTON of Texas, Mr. AKIN, Mr. DEMINGS, Mr. GOODE, Mr. MANZULLO, Mr. THORNBERGER, Mr. GUTKNECHT, Mr. FLAKE, Mr. MYRICK, Mr. BEAUPRE, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. TANCREDI, Mr. MILLER of Florida, Mr. CHABOT, Mr. NEUGEBAUER, Mr. CARTER, Mr. CULBERSON, Mr. SESSIONS, Mr. PENCE, Mr. SHADEG, Mr. TERRY, Mr. WILSON of South Carolina, Mr. TOOMEY, Mr. SMITH of Michigan, and Mr. FASSEL:)

H.R. 3358. A bill to require a balanced Federal budget by fiscal year 2009 and for each year thereafter, to combat waste, fraud, and abuse, to establish biennial budgets, to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to impose spending safeguards on the growth of entitlements and discretionary spending, and to enforce those requirements through a budget process involving the President and Congress and subject to review by the Budget Committee; to the Committees on Rules, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself, Mr. UPTON:)

H.R. 3359. A bill to increase awareness of and research on autoimmune diseases, such as lupus, multiple sclerosis, rheumatoid arthritis, and fibromyalgia for other purposes; to the Committee on Energy and Commerce.

By Ms. LOFGREN (for herself, Mr. CASE, Ms. JACKSON-LEE of Texas, Ms. MILLENBERGER-MCDONALD, Mr. FARR, Mr. FRANK of Massachusetts, Ms. ABRAMKIN, Ms. SLAUGHTER, Ms. McCOLLUM, Mr. EMANUEL, and Mr. GUTIERREZ:)

H.R. 3360. A bill to amend the Immigration and Nationality Act to provide for the automatic acquisition of citizenship by certain Americans; to the Committee on the Judiciary.

By Ms. LOFGREN (for herself, Mr. CANNON, Mr. CONYERS, Ms. HART, Mr. MEEK of Florida, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, and Ms. SOTO:)

H.R. 3361. A bill to provide for the protection of unaccompanied alien children, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY:

H.R. 3362. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group and individual long-term care insurance coverage for screening for breast, prostate, and colorectal cancer; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCBRIDE (for himself, Mr. ALLEN:)

H.R. 3363. A bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulation are not successful; to the Committee on Ways and Means.

By Mr. RENZI (for himself, Mr. DELAY, and Mr. JOHNS:)

H.R. 3365. A bill to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income; to the Committee on Ways and Means, and to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Georgia (for himself and Ms. MAJETTE:)

H.R. 3367. A bill to designate the building located at 409 Auburn Avenue, N.E., in Atlanta, Georgia, as the "J. John Lewis Civil Rights Institute"; to the Committee on Re- sources.

By Mr. SESSIONS:

H.R. 3368. A bill to provide for additional responsibilities for the Under Secretary for International Affairs, Department of Homeland Security relating to geospatial information; to the Committee on Government Reform, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 3369. A bill to direct the Secretary of Labor to establish a pilot grant program to retrain displaced workers in high technology fields; to the Committee on Education and the Workforce.

By Mr. SOUDER (for himself, Mr. WYNN, Mr. OSBORNE, Mr. HASTINGS of Washington, Mr. KELLER, and Mrs. MUSGRAVE:)

H.R. 3370. A bill to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices; to the Committee on the Judiciary.

By Mr. STUPAK (for himself, Mr. FOSSELLA, and Mr. FLORES:)

H.R. 3371. A bill to establish a permanent grant program to improve public safety communications and the interoperability of emergency communications equipment; to the Committee on Energy and Commerce.

By Mrs. TAUSCHER (for herself, Mr. GREENWOOD, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Ms. LE, Mr. TOWNS, Ms. MILLENBERGER-MCDONALD, Ms. DELAURIE, Mr. SANDERS, Mr. PAYNE, Mr. SCHIFF, Mrs. NAPOLITANO, Ms. NORTON, Ms. CORINE BROWN of Florida, Mr. BAIRD, Ms. MCCARTHY of Missouri, Mr. FROST, Mr. STEINHOLM, Mr. WU, Ms. CORINE BROWN of Florida, and Ms. SCHAKOWSKY:)

H.R. 3372. A bill to provide for infant crib safety, and for other purposes; to the Committee on the Judiciary.

By Mr. TAYLOR of Mississippi (for himself, Mr. WICKER, Mr. THOMPSON of Mississippi, and Mr. PICKERING:)

H.R. 3373. A bill to designate the facility of the Agriculture Research Service of the Department of Agriculture located at State Highway 26 West in Poplarville, Mississippi, as the "John W. and Gretchen C. Weldon Horticultural Laboratory"; to the Committee on Agriculture.
MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

H. Con. Res. 336. Concurrent resolution recognizing the centennial of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day; to the Committee on Veterans' Affairs.

H. Con. Res. 347. Concurrent resolution expressing the support of Congress regarding the improvement of combined sewer overflow control programs; to the Committee on Transportation and Infrastructure.

H. Con. Res. 354. Concurrent resolution sponsoring the 30th anniversary of the Congressional Committee on Transportation Security; to the Committee on Transportation and Infrastructure.

H. Con. Res. 359. Concurrent resolution directing the Speaker to transmit a copy of the resolution to each of the diplomatic representatives of the United States; to the Committee on Foreign Affairs.

H. Con. Res. 360. Concurrent resolution expressing the sense of the House of Representatives that prior to the conclusion of the first session of the One Hundred Eighth Congress the House should pass legislation that would create an independent commission or select House committee to investigate United States intelligence relating to Operation Iraqi Freedom; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on Rules, 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. GREEN of Texas:

H. Res. 411. A resolution expressing the sense of the House that John Wooden should be honored for his contributions to sports and education; to the Committee on Education and Workforce.

By Mr. SOUDER (for himself, Mr. COBLE, Mr. CUMMINGS, Mr. TOM DAVIS of Virginia, Mr. MICA, Mr. SERRANO, and Mr. SMITH of Texas):

H. Res. 412. A resolution honoring the men and women of the Drug Enforcement Administration on the 20th anniversary of the House of Representatives.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H. R. 314: Mr. SMITH of Georgia (for himself, Mr. JACKSON of Georgia, Ms. S. CARSON of Indiana, Mr. TIM RENIER, Mr. SERRANO, Mr. STARK, Ms. NORTON, and Mr. SERRANO).

H. R. 317: Mr. SMITH of Georgia (for himself, Mr. RICE of Georgia, Mr. T. CAROLYN of Georgia, Mr. WATERS, Mr. J. DAVIS of Alabama, and Mr. COOPER).
Mr. JANKLOW, and Mr. MILLER of North Carolina.
H.R. 3184: Mr. PETERSON of Minnesota and Mr. ALLEN.
H.R. 3190: Mr. BEAUPREZ.
H.R. 3191: Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. GREEN of Texas, and Mrs. MUSGRAVE.
H.R. 3193: Mr. KINGSTON, Mr. MANZULLO, Mr. CRANE, Mr. NORWOOD, Mr. RYUN of Kansas, Mr. BISHOP of Utah, Mr. BAKER, Mr. PITTS, Mr. TERRY, Mr. ROGERS of Michigan, Mr. WAMP, Mr. ADERHOLT, Mr. WELLER, Mr. McCrery, and Mr. BEAUPREZ.
H.R. 3204: Mr. LAHOOD, Mr. PLATTS, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. BOEHLERT, Mr. EHLERS, Mr. BASS, and Mr. KIRK.
H.R. 3208: Mr. CUMMINGS and Mr. NEUGEBAUER.
H.R. 3215: Mr. JANKLOW, Mr. HYDE, Mrs. BONO, and Mr. NETHERCUTT.
H.R. 3225: Mr. RAMSTAD.
H.R. 3237: Mrs. MALONEY.
H.R. 3242: Mrs. BONO and Mr. OBERSTAR.
H.R. 3244: Ms. WATERS, Mr. ACEVEDO-VILA, Mr. VICSCLOSKY, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. BOUCHER, Mr. NADEL, Mrs. JONES of Ohio, Mr. COSTELLO, Mr. LARSEN of Washington, Mr. WU, and Mr. KUCINICH.
H.R. 3251: Ms. SCHAKOWSKY, Ms. ESHOO, and Mr. SERBAN.
H.R. 3263: Mr. AKIN, Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BLUNT, Mr. COLLINS, Mr. HASTERT, Mr. HAYES, Mr. McCrery, Mr. ROHRABACHER, and Mr. SIMMONS.
H.R. 3266: Ms. DUNN, Mr. GIBBONS, Mr. SHADEG, Mr. KING of New York, and Mr. SWEENEY.
H.R. 3270: Mr. CAMP and Mr. LoBIONDO.
H.R. 3271: Mr. RANGEL, Mr. PASTOR, and Mr. EMANUEL.
H. R. 3275: Mr. BROWN of Ohio, Mr. SANDERS, and Mr. VAN HOLLEN.
H.R. 3281: Mr. LAHOOD and Mr. BOEHLERT.
H.R. 3294: Mr. GUTIERREZ.
H.R. 3308: Mr. WILSON of South Carolina and Mr. TIAHRT.
H.R. 3339: Mr. GUTKNECHT, Mr. FORBES, and Mr. GARRETT of New Jersey.
H.R. 3344: Mr. LARSEN of Washington.
H.J. Res. 40: Mr. BEAUPREZ.
H.J. Res. 62: Mr. HAYES.
H. Con. Res. 213: Ms. BERKLEY.
H. Con. Res. 247: Mr. TANNER, Mr. GARRETT of New Jersey, Mr. PUTNAM, and Ms. BALDWIN.
H. Con. Res. 264: Mr. PUTNAM.
H. Con. Res. 295: Mr. HOFFEL.
H. Con. Res. 285: Mr. MCHUGH and Mr. BARRETT of South Carolina.
H. Con. Res. 291: Mr. UPTON.
H. Con. Res. 292: Mr. CARDOZA, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, and Ms. ESHOO.
H. Con. Res. 302: Mr. SESSIONS, Mr. HINCH, Mr. DEUTSCH, Mr. SOUDER, Mr. BERMAN, Mr. BELL, Mr. WU, Mr. LANTOS, Mr. ORTIZ, Ms. ROS-LEHTIEN, Mr. TANCREDO, and Mr. KIRK.
H. Res. 103: Mr. MANZULLO.
H. Res. 302: Mr. Deal of Georgia.
H. Res. 354: Mr. DINGELL and Mr. BELL.
H. Res. 373: Mrs. MUSGRAVE.
H. Res. 390: Mr. BURTON of Indiana, Mr. LAMPSON, Mr. BLUMENAUER, Mr. MCINNIS, Mr. GILLMOR, Mr. HASTINGS of Florida, Mr. SMITH of New Jersey, Mr. HOUGHTON, Mrs. TAUSCHER, Mr. TANNER, Mr. BERNAN, Mr. CROWLEY, and Mr. PITTS.
H. Res. 393: Mrs. JONES of Ohio, Ms. MCCARTHY of Missouri, Ms. BORDALLO, Mr. LANTOS, and Ms. NORTON.
H. Res. 394: Mr. MATHESON and Mr. WICKER.
H. Res. 397: Mr. NYDER, Mr. BERRY, and Mr. ROSS.
H. Res. 402: Mr. HOLDEN.

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. 2821: Mrs. MCCARTHY of New York.
The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.
O God, You are life, wisdom, truth, and blessedness. You are our hope and the center of our joy.

Lord, the Founders of this great land walked in Your guidance and rested in Your compassion. Unite us so that we can do Your will. Remove from us all evil desires and empower us to embrace the good. Speak to our Senators so that they may understand Your will for our Nation and our world.

Illuminate their understanding with beams of celestal grace. Make us thankful for the privilege of prayer. May we never take it for granted. Let us see Your goodness in our daily bread and in the gift of each new day. And, Lord, touch our world with Your peace.

We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE
The PRESIDENT pro tempore asked the distinguished assistant Democratic leader to lead us in the Pledge of Allegiance to our flag.

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER
The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE
Mr. FRIST. Mr. President, this morning there will be a period for morning business to allow Senators to make statements. At 10:30 today, the Senate will begin consideration of the conference report to accompany the partial-birth abortion ban bill. Under a unanimous consent agreement, there will be up to 45 minutes on that conference report. Under a previous order, the Senate will stand in recess from 12:30 until 2:15 for the respective party caucus meetings. After that recess, the Senate will continue consideration of the partial-birth abortion ban, with a vote on the conference report expected this afternoon. That vote will be the first vote of the day.

Following the vote on the partial-birth abortion ban, the Senate will resume consideration of the motion to proceed to S. 1751, the class action fairness bill. I remind my colleagues that we had hoped to begin consideration of the class action legislation yesterday. Unfortunately, there was an objection to proceeding which is why it was necessary for us to proceed to move to that bill. Yesterday, we filed a cloture motion on the motion to proceed and that vote will occur tomorrow morning.

It is important that we are able to proceed with that bill. I understand there are differences on the substance of the legislation. However, the Senate should be allowed to consider those issues through debate and votes, as appropriate. Therefore, I once again encourage my colleagues on the other side of the aisle to allow us to begin work on the bill to bring some sense to the overall class action process.

I was also disappointed with the objection to proceeding to the Healthy Forests initiative. Chairman COCHRAN and others on both sides of the aisle have been working in good faith to bring that bill to the floor in a way to consider some concerns that may exist on the Democratic side. Again, there was an objection to proceed to that measure. I hope members of both parties over the course of this morning and today, rethink that objection and allow debate to begin on this very important initiative, the Healthy Forests legislation.

We are also working hard to clear for Senate action a number of other important issues, including the fair credit reporting bill, the so-called spam legislation, as well as an agreement to move forward on the charitable giving bill.

I remind my colleagues, both the Senate and the House have already passed their respective versions of that bill. For example, charitable choice. Those are the ones I remember the leader speaking of. For example, charitable choice could be done within a matter of minutes and sent directly to the House. There has been a decision made by the majority—and I think not a proper one—to take it to conference. We could send it immediately to the House.

We are working very hard to try to cooperate with the majority on the most important piece of legislation, class action. A vast majority of Members on this side of the aisle want to do something on class action. We have had

RECOGNITION OF THE ACTING MINORITY LEADER
The PRESIDENT pro tempore. The assistant Democratic leader is recognized.

Mr. REID. While the majority leader is in the Chamber, I say on behalf of the minority, we acknowledge the importance of class action, Healthy Forests, charitable choice. Those are the ones I remember the leader speaking of. For example, charitable choice could be done within a matter of minutes and sent directly to the House. There has been a decision made by the majority—and I think not a proper one—to take it to conference. We could send it immediately to the House.

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• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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as our point person on this John Breaux, and he has had contact with the majority to try to come up with something on this issue. I think we are very close to working something out.

Healthy Forests, as the leader knows, is a difficult issue. For Western States it is extremely important. We hope that can be resolved quickly.

I bring to the leader's attention, however, we also have those appropriations bills we need to do. I spoke very briefly this morning with the distinguished Residing Officer. He has been in contact, as I am sure the leader knows, with Senator Byrd. Maybe there is still something we can do on those appropriations bills to get, if not all of the six we have not passed here done, at least some of them completed. We have those most important conferences. We have had, as far as I am concerned, a difficult time getting a conference completed on the energy and water appropriations bill. That has been one we usually bring up first because it is so important to Members in the House and Senate. I spoke this morning to Majority Leader Delay, saying we need a little help from the leadership in trying to move that.

I hope, in addition to those other important items the leader has mentioned, we can work together to come up with some program to get some of the appropriations bills passed. I think it is important for the country.

Mr. FRIST. Mr. President, I appreciate the comments just made by my colleague and I think his comments reflect the amount of work we absolutely must accomplish in the next few days. I say that because in terms of the numbers of days in the weeks remaining, there are very few legislative days. We should all redouble our efforts and focus on each and every one of these bills. They are all very important.

I know it may seem, as the Republican leader, I am encouraging the resolution of the bills by bringing them to the floor. That is exactly what I am doing, so we can all redouble our efforts to accomplish what really we want to do mutually: Go through each of these, have the appropriate debate and amendment on the floor as we go forward.

Mr. REID. One bill I did not mention that I feel strongly about is fair credit reporting. That is also very important. I bet my office has received 100 phone calls since the last 60 days alone on legislative days dealing with that legislation. We hope something can be worked out on that also.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until the hour of 10:30 a.m., with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Senator from Texas, Mrs. Hutchison, or her designee. The majority leader.

ECONOMIC GROWTH

Mr. FRIST. Mr. President, on leader time, I want to make a very brief comment to highlight a few of the encouraging developments on our economic front. I know we will be going to morning business, and some of my colleagues will be talking shortly on the issue of our economy and where we are in terms of jobs and job creation.

There have been some very encouraging developments on the economic front. When the third quarter GDP figures are released next week, it is anticipated we will very possibly see growth as high as 6.5 percent. All signs, at this point, point to a very robust holiday buying season.

The Department of Commerce reports consumption is strong. In the third quarter, consumption grew by an annual rate of over 12 percent. Many economists tell us this third quarter consumption may be the strongest we have seen over the last 4 years—again, very good news.

Likewise, the Department of Labor reports the initial jobless claims are at their lowest levels since February. In August, the nonfarm sector employment rose by 57,000 jobs. In the area of manufacturing, mid-Atlantic manufacturing is showing promising signs of recovery. The index for new orders showed the highest gains in 8 years, and the monthly index of regional manufacturing significantly topped the economists' expectations. Inflation, meanwhile, remains very low. Short-term interest rates are also at historically low levels. There is much to cheer about in this positive news.

Smart, progrowth fiscal policy is helping lead this creation of new jobs. But we have a lot more work to do. There are some structural problems we need to tackle on this Senate floor in order to strengthen the marketplace. We need a more efficient marketplace, a more transparent marketplace. We need to make it less risky for business to go into business and hire workers and go into bankruptcy to retrain those workers, and we can do that by focusing on appropriate reforms such as strengthening trade; reducing health care costs; reducing litigation costs; reducing insurance costs; strengthening energy policy, which we are doing in conference right now; and, I would also add, enacting strong asbestos reform. These are the sorts of policies that will increase productivity. They will increase predictability in the marketplace, and they ultimately will stoke the engines of economic growth.

I am really, for the first time, becoming optimistic that we have turned this corner and that we will see continued improvement. The agenda items we are working on to complete this session—many of which we just discussed—will lead to more jobs, more prosperity, and a solid economic recovery.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair. Mr. REID. Will the Senator yield for a request? The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, before the majority leader leaves, I ask unanimous consent that in morning business each side get their full half hour. That would extend the vote a few minutes this afternoon.

The PRESIDENT pro tempore. That would add 12 minutes to the time.

Mr. REID. Yes.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. Does the Senator from Nevada yield time?

Mr. REID. Yes. Mr. President, I yield 15 minutes to the Senator from North Dakota, Mr. Dorgan; 5 minutes to Senator Kohl; and 10 minutes to Senator Stabenow.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

APPROPRIATIONS, ENERGY, AND CUBA TRAVEL

Mr. DORGAN. Mr. President, let me make a comment about the appropriations bills, then about the Energy conference, and then I want to talk a bit about the Department of Homeland Security and the ban on travel to Cuba.

First, the appropriations bills. Our colleague, the majority leader, Senator Frist, talked just a bit about that today in response to questions by the Senator from Nevada. My understanding is the bills are all ready to come to the floor of the Senate. We were told in early September that we would, when returning from the August break, be on appropriations bills. We passed all 13 appropriations bills through the Appropriations Committee in the Senate. Yet since we passed a continuing resolution, because we did not have the appropriations bills done by October 1, since that time we have not completed even one additional appropriations bill.

I know the chairman of the Appropriations Committee wants to get these bills to the floor. But instead the leader is scheduling other issues. I am not suggesting the other issues are unimportant, but we have a responsibility to meet a deadline with appropriations bills; and the question is, Where are they, and why are they not being brought to the floor of this Senate? I do not understand it, nor do most of my colleagues.

If the Committee on Appropriations has finished its work on the bills, why
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are they not being debated on the floor of the Senate? If there is an intention to do one, big, continuing resolution, one large omnibus bill, and not have us consider on the floor of this Senate up to six appropriations bills, then the opportunity for a good many Americans to offer amendments and deal with these in a routine legislative way will be lost. I suspect that is what some are wanting to have happen. It is not something that looks like the legislative process as I know it.

Mr. President, let me now just talk for a moment about something that is happening that concerns us. We have an Energy conference. My colleague Senator BINGAMAN spoke on the floor about this yesterday. We have an Energy conference. I am a conference. I have not been invited to a conference meeting. Apparently that is now planned for next week. We were told it was going to be last Saturday, then perhaps a meeting this Monday. Now it will probably be next Friday, and a meeting the following Monday.

In any event, there are a couple hundred pages of that report which have been agreed to by Republicans dealing with very important, very complicated pieces of legislation—the electricity title, the title on homeland security—and yet we are told, despite the fact it is now agreed to and completed, that those of us who were never invited to a conference are not allowed to see the conference report.

It is inexplicable to me. It is, in my judgment, a legislative process that is broken. I have told the chairman of the committee on this side, he would not stand for that in a moment. He would be on this floor pointing into the noses of those of us standing here who say it is not the way to legislate. To ask representatives of 49 Senators here in the Senate to simply sit by patiently while a conference occurs and while Democrats are excluded is an arrogance I think that is fundamentally wrong and unsound, and I think it threatens the future of an energy bill. It is the wrong way to get cooperation and the wrong way to write an energy bill.

It seems to me there are good ideas on both sides of the aisle in the Congress, and they ought to be available in a conference, as conferences are usually held, to be able to improve and write a bipartisan energy bill. But, once again, quoting Mark Twain: The more you explain it, the more I don't understand it.

The fact is, you can talk about this 100 different ways, and there is no justification for two people in the Conference to convene in a room someplace, shut the door, and tell you what the energy policy is going to be for this country. It risks, I think, the ability to get an energy bill. I believe we need an energy bill for this country's future. Having the President, let me just talk about another issue that has gotten very little attention but ought to, in my judgment.

The President gave a speech a couple of weeks ago saying he is going to crack down on travel in Cuba, because there is a law against traveling in Cuba. Inexplicably, Americans cannot travel in Cuba. This country is trying to punish Fidel Castro for his abuses, and agree with that. But in order to slap Fidel Castro around and punish Fidel Castro, this administration is going to limit the American people's freedom to travel. Oh, the American people can travel almost anywhere else—Communist China, Communist Vietnam—but you cannot travel in Cuba.

The President gave a speech, I suspect aimed mostly at voters in Florida, saying we are going to crack down on casual travel in Cuba. He did not say, ‘‘I know it is casual travel because they are chasing retired schoolteachers who rode bicycles in Cuba. They are denying licenses to farm groups who want to go and promote and sell agricultural products in Cuba, part of which is now legal because of an amendment that I and then-Senator Ashcroft got passed in the Senate that became law. But they are trying to stop farm groups from promoting agricultural products in Cuba by denying licensees travel in Cuba.''

The President said we are going to have the Department of Homeland Security, which is designed to protect this country against a terrorist attack, and yet it is trying new resources to clamp down on travel in Cuba. Here is what the Department's Web site says: ‘‘The Department of Homeland Security will use intelligence and investigative resources to identify travelers or businesses engaged in activities that circumvent the embargo.''

We are going to have the Department of Homeland Security, which is supposed to be protecting us from terrorists, now using investigative resources and intelligence resources to try to track down people who are traveling in Cuba. They are doing that at the direction of the President.

Well, let me just give as example one of the kind of people they are going to track. Joan Slote, a naturalized citizen, has the investigative capabilities to track down: Joan Slote. Joan, as you can see from this picture, rides a bicycle. She is in her mid-70s. She is a Senior Olympian. She joined a bicycle trip to Cuba with a Canadian group.

She had no idea it was illegal for an American to bicycle to Cuba. But she went there and came back and discovered she was fined $7,630 by the Department of Treasury, which is supposed to be tracking financial records of terrorists, and you are tracking little old ladies who ride bicycles in Cuba.

They agreed, after some embarrassment, to reduce her fine to $1,900. Then 2½ months after she sent them a check, she got a letter from a collection agency saying they were going to begin to take her Social Security payments. This was after she had paid them off.

But there are more than just Joan Slote. Let me give other examples of whom they are investigating. Cevin Allen decides to take the ashes of his dead father to Cuba to sprinkle on the lawn of the church where his father ministered. The government said it was not permitted. They fine him for illegal travel to Cuba. That is who Department of Homeland Security now says they will use intelligence and investigative methods to track, people who travel illegally in Cuba, taking your dead father's ashes to sprinkle on the ground in Cuba.

Marilyn Meister, a 72-year-old Wisconsin schoolteacher, she also had a bicycle trip to Cuba. She was fined $7,500. Donna Schutz, a social worker from Chicago, went on a tour; she was fined $7,600; Kurt Foster, Tom Warner, 77 years old, a World War II veteran, posted on his Web site the schedule for the February annual meeting of the U.S.-Cuba Sister Cities Association in Havana. He never even went to Cuba. But this administration, clamping down on Cuban travel, said Warner was ‘‘organizing, arranging, promoting, and otherwise facilitating the attendance of persons at the conference without a license.'’ He did not attend the conference. And the conference was licensed by OFAC. All he was doing was posting information on his Web site. He was given 20 days to tell OFAC everything he knows about the conference and the organization that participate in it. He has now hired a lawyer.

What is going on? We are chasing Joan Slote who rode a bicycle in Cuba for thousands of dollars of civil fines, and now the President says we want to legally in Cuba, taking your dead father’s ashes to sprinkle on the ground in Cuba.
HEALTH CARE

Ms. STABENOW. Mr. President, I thank my colleague from North Dakota for his comments and associate myself with them as well.

As we move through Appropriations Committees, there are a number of important issues that confront us. I rise to speak to the issue of health care and add my voice to the growing chorus of people who are concerned about our Nation’s health and want us to have a sense of urgency about health care.

We have just passed a bipartisan bill in the Senate not once but twice since I have been here in the last 2½ years. This needs to be passed by the entire Congress and put on the President’s desk this year, whether it is part of the Medicare conference report or whether it is done separately.

We also know that if we create more competition by tearing down this artificial border which doesn’t allow Americans to purchase safe FDA-approved prescription drugs from other countries, particularly Canada, where we know their supply chain and safety processes are virtually equivalent to ours, if we do that, we can also create great competition to lower prices.

One of my major concerns right now, as we move forward in the work on a Medicare prescription drug benefit, is that we not forget that there are important parts of cost containment in our drug legislation that would affect all of those who need health insurance, or have health insurance. We know that about half of the reason the cost of insurance premiums is going up for businesses right now is because of the cost of prescription drugs. The average prescription brand name drug is going up faster than three and a half times the rate of inflation. So when we look at what we are debating right now under Medicare, there are two very important issues for us. One is to eliminate the patent loopholes that stop patents from coming to an end and allow lower cost, unadvertised brands to be able to go on the market through our generic drug process.

One of the primary ways we can help businesses to be able to afford health insurance and be able to provide more opportunities for people to have health insurance is to lower the price of prescription drugs. The average prescription drug will cost, unadvertised brands to be able to go on the market through our generic drug process.

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We have just passed a bipartisan bill that will allow our tax dollars to be used in Iraq to purchase the health care system for the Iraqis. There are people in the United States asking: What about us; what about making sure each of us has health care as well?

There are businesses seeing their premiums double. The average small business is seeing their premiums double now every 5 years, and that is, in fact, growing even higher. Large businesses, negotiating contracts, find themselves dealing with the issue of health care as the top concern of both the business and employees.

When we look internationally at our ability to compete around the world, the health care system that is tied to employment has created a situation where our large businesses competing in the world are having more difficulties competing successfully in this competitive environment where every dollar counts. We are hearing from unusual places a call for a focus on health care, a focus on a more universal kind of system that will allow us to have the health care we want for our families and our businesses to be able to compete both within our country and around the world.

What is most disturbing is when we look at the numbers in terms of the costs going up and the number of people now without insurance. A new survey by the Kaiser Family Foundation and the Health Research and Education Trust found that employer-sponsored health insurance premiums increased almost 14 percent this year. This is the seventh straight year of premium increases and the largest increase since 1990. Premiums now average over $9,000 a year for the typical family health insurance policy. And average small business health insurance premium has jumped by 5.7 percent to almost $3,305. Rising premiums are placing a very heavy financial burden on our families and are making it increasingly difficult for families to find and afford health care.

Because there is no successful plan to stimulate the economy right now, we are seeing more and more Americans go without health care and other basic needs. According to a recently released U.S. Census Report, the number of Americans without health insurance has jumped by 5.7 percent to almost 44 million people. That equals the populations of 24 States plus Washington, DC. Think about that. The number of people who are uninsured now equals the population of 24 States and Washington. Or if this is not a crisis, if we do not need a sense of urgency, I don’t know when we will, when we look at what is happening.

Families USA has done their 2001–2002 survey and they found that in Michigan 2.3 million Michiganders under age 65 went without health insurance sometime within that year. That means one in four people in my great State of Michigan, under the age of 65, went without health care during this time period. This is not acceptable and we need a sense of urgency about these issues.

Who are these people? Well, the majority of them are working. Actually, more than 80 percent of the uninsured live in working families. The majority of those who are uninsured are working. So this is a small business issue. This is an issue of people who are working but are not in businesses that afford health insurance themselves for their employees, which is why we need to tackle this issue working with our small business community as well as our large business community.

When one member of a family is uninsured, it can affect all of the family and their quality of life. We know many young people going out into their first jobs are not insured and run a high risk of something happening and of their not being able to deal with it in a productive way.

Across the world.
wholesalers in our country, issues that need to be addressed by the FDA and all of us. We need to be increasing the ability for the FDA to have the inspectors and enforcement powers against those kinds of activities that create unsafe medicines.

But when you talk about the issue of what has been called importation, we are talking about a process that allows the local pharmacist, the licensed pharmacist at the local pharmacy or the local druggist to have the ability to do what every part of the pharmaceutical industry does right now, which is to do business with those in another country and bring a supply chain of prescription drugs back to the local pharmacies.

The reason we are seeing so much activity now, so many ways people are trying to find prescription drugs that are affordable to them, is because prices are too high. The fact is that people cannot afford their cancer medicine, their blood pressure medicine, and those other kinds of medicines they need to be able to live productive lives or, in many cases, be able to survive.

The reason we are seeing so many people looking for other ways to find prescription drugs is because the prices are too high. We need to work together to have a system with integrity and with safety, that creates a product that is affordable, that creates a product that can be available to our citizens who desperately need these lifesaving medicines.

If we do that, we address half the reason health care costs are rising. We then need to focus on the uninsured and how we partner to be able to make sure people have access to health care, so we can bring those costs down.

In closing, we need a sense of urgency about health care. We need a sense of urgency here just as every business, every employee, every family has a sense of urgency here just as every business, every family has about health care. We need a sense of balance.

I submit to my colleagues today that our sense of balance, though, has been lost. We are seeing national class action litigation not taking place in federal courts but in many instances taking place in local courts with locally elected judges against defendants from other States.

When the Framers of our Constitution provided for a Federal judiciary, one of the reasons they did so was to say when you have plaintiffs in one State and you have defendants in another State, just to make sure there is an objective legal system, we need a Federal judiciary to help provide for that leveling of the playing field.

All too often today national class action litigation pits plaintiffs in one State and defendants in another State in a local court where you have a locally elected judge whose election or reelection depends in no small part on their ability to satisfy the plaintiffs within their State. We've just lost our sense of balance.

There have been efforts for five years now to try to make changes with respect to class action litigation. It started out far different than where it has ended up. The current bill is much more moderate than those that came before it. Also, there is no effort with this bill to cap noneconomic or attorneys' fees. There is no effort to limit joint and several liability.

I want to talk about the bill that will come to the floor. I agree to the motion to proceed tomorrow.

First of all, the legislation that will come to us is not perfect. It might need to be amended or changed further. It is certainly not the final product, but it is a good starting point. If we agree to the motion to proceed tomorrow—it takes 60 votes—we will have the opportunity for those of us on our side, the Democratic side, and the Republican side, to offer amendments, to have a full and open debate and ultimately decide if we have an agreement to change the bill. It can be improved, and I certainly will support amendments. I may talk about those later today or tomorrow.

Let me take a minute to describe the legislation that may come to the floor. The issue we are trying to get at is venue shopping, where you have, in some cases, litigation that is being brought and litigation of national significance is brought in a Federal court, where the attorneys who brought the lawsuit are looking for a venue where they can get a friendly judge and friendly jury.

In some places, it is almost a cottage industry, whether it is Madison County, IL; Jefferson County, TX; and other places, such as Alabama and Mississippi. There is a perception that a defendant is not going to get a fair shake in a national class action litigation in those venues.

The PRESIDING OFFICER. The time controlled by the minority for morning business has expired.

Mr. CARPER. I thank the Chair. I will have more to say about this later today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, I ask that the next 15 minutes be equally divided between the Senator from Idaho, Mr. CRAIG, and the Senator from Oregon, Mr. SMITH.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAIG. Madam President, I and my colleague need to be off the floor by 10:30 a.m. Will the Chair alert me when 5 minutes have passed?

The PRESIDING OFFICER. The Chair will so notify the Senator.

ENERGY AND THE ECONOMY

Mr. CRAIG. Madam President, I am here this morning to talk about the reality of U.S. prosperity and how it is so closely tied to a reliable, affordable energy supply. The U.S. economy has suffered for the last 3 years because of volatile oil and gas prices, and falling energy supplies have often been barely adequate and, in most instances, in high demand. I believe failure to enact an Energy bill will have dire consequences on all Americans, especially our economy, our workforce, and those who are building the American dream.

There is a growing sense of urgency amongst American manufacturers, small businesses, and other that they simply cannot remain competitive unless we have enough reasonably priced energy to meet their demands at a time when certain costs in our energy sector are skyrocketing, and that, in my opinion, has been a major factor in contributing to the prolonging of a recession.

Rising fuel costs helped cause the deepening of the recession in the past four recessions we have recorded: In the 1970s, in the early 1980s, in 1990 and 1991, and now the 2000 recession. When we look backward, when we talk with economists who study this issue, all of them will tie it to a spike in energy prices and the cost of energy rippling across the economy.
Abundant, affordable energy stimulates economic growth. Fluctuating energy prices have cost America many jobs in the last 3 years. The manufacturing sector has experienced over the past 2 years consecutive job losses, having lost as many as 2 million jobs. The National Manufacturing Association said that it has been caused in significant part to energy price spikes in 2000.

During the winter of 2000 and 2001, natural gas prices skyrocketed. Tariffs became common on the Northern Tier states of the upper Midwest. Skyrocketing natural gas prices of last winter went even higher than 2 years ago. Now many companies that have tried to secure this gas are shutting down simply because they can’t afford to blend it into their streams. They can’t afford the costs, and their product produced by it becomes non-competitive. As a result, significant job loss has occurred.

The U.S. chemical, plastics, and fertilizer industries have been among the hardest hit, largely due to their dependency on affordable natural gas in the face of fierce international competition. Electric utilities continue to build natural gas generation. Houses continue to be built and are plugged into the gas lines.

The Energy bill we are working on will both save jobs and create jobs by bringing affordable natural gas out of Alaska. The President has certainly knows about this. Some 35 trillion cubic feet of natural gas can be brought to the lower 48 States. That and the construction of that pipeline could well create over 400,000 jobs. Federal royalties could flow from it at $48 billion, a new Federal revenue to reduce our deficit and again create jobs.

The Energy bill we are completing in conference calls for the investment of hundreds of millions of dollars in research that is tied into new energy technologies. This investment creates new jobs in engineering, math, chemistry, physics, science, and all related fields are tied into this kind of investment, this kind of development.

The bill increases America’s stake in nuclear energy, encouraging the construction of a Federal advanced nuclear reactor for the production of electricity and hydrogen and new technology, driving that industry forward and once again America can lead the world in this kind of technology, this kind of advancement: Clean, manageable, safe forms of electrical production.

Our bill will facilitate the expansion and the modernization of our national electrical grid. It will create additional opportunities for investments in pipelines and transmission lines and encourage the private investment in electrical transmission—all this creating more jobs.

The Energy bill will provide $2 billion in investment and clean coal technology, creating engineering and research jobs. The investment also protects existing coal mining jobs and processing jobs to ensure the longevity of the American coal industry.

We protect jobs in the gas and oil industry by encouraging deep well exploration of oil and natural gas at a time when domestic oil production is dropping and that level of production is flat.

The President has used 5 minutes.

Mr. CRAIG. I will proceed for 1 more minute... By stimulating our production of oil and gas, we not only produce the energy necessary to fuel our economy, we not only protect tens of thousands of jobs, but we will create abundant new jobs.

Lastly, we had Federal Reserve Chairman Alan Greenspan, who spoke before the Energy Committee, both of the House and the Senate, and he said: It is essential that we do not lose sight of the policies needed to ensure long-term economic growth. Of the most important objectives of these policies should be an assured availability of energy... Developments in energy markets will remain central in determining the longer run health of our nation’s economy.

We all understand that. Now is the opportunity and the time to finalize a national energy policy, to pass it out of the Congress and put it on our President’s desk. It is our future. It is one of the greatest jobs in history on which the Senate will ever vote.

I yield the floor.

The President’s Office. The Senator from Oregon.

THE ECONOMY

Mr. SMITH. Madam President, along with my colleague from the State of Idaho, I will talk in morning business about the economy. We have heard for 3 years of the Bush Presidency that President Bush is responsible for the economic downturn. Little is said about the economic facts that existed when he took his oath of office; specifically, that the economy was in a tailspin, that Wall Street had lost at least $7 trillion of equities, and unemployment was rising dramatically.

Indeed, President Bush inherited a situation that was not of his making and frankly not even of President Clinton’s making, because we had witnessed the bursting of a stock market bubble and the dashing of hopes of tens of thousands of pensioners all over this country.

It is a fact of political life that politicians are given too much credit and too much blame for the natural, immutable cycles of a free market economy. The latest casualty in this judgment on politicians is probably Governor Gray Davis of California. I remember during the heydays, the bubble days, California was held up as the miracle model and Governor Davis was hailed as a hero. He accepted the credit.

I heard, with some pain, frankly, the other day when he acknowledged how much economic trouble they were in and that he had gotten too much credit for the good times and now was getting too much blame for the bad times. Guess what. Governor Davis was right. The truth of the matter is we in public life do not control the free market economy. If we ever do, we will have a socialist economy which will ill serve the American people.

Before I came to this Chamber, I ran a business. On a seasonal basis, we employed as many as 1,200 people during the Reagan years. They were boom years; they were wonderful years. In trying to expand my business, I always remembered the factors that helped me make a decision whether to invest in a new piece of equipment or to acquire another plant. It had little to do with who the President of the United States was. It had little to do with the fact that I was proud that Ronald Reagan was my President.

Two of the factors Government did have the power to affect. The first was interest rates, which are controlled by the Federal Reserve, and taxes, which are controlled by the Congress and the President.

For those days, with interest rates coming down, interest rates were falling, and the American economy was booming. Then during the Clinton years, there was a business correction under President Bush. As President Clinton took his oath of office, the American economy was booming in productivity and prosperity, and President Clinton was great to take credit for the conditions of our free market economy but wanted nothing to do with its collapse as he left the Presidency. Again, too much credit, too much blame, for President Clinton and President Bush.

As I listen to those who aspire to the Presidency to replace our current President, I hear them speak of the Bush economy in the most derisive of terms. I wonder if we are beginning to factor in all the good news that is beginning to come out about the American economy, as the immutable cycles of supply and demand, the falling of tax rates, the falling of interest rates, are beginning to show up in the lives of the American people. How will they deal with the fact that consumption has been rising and topped 2 percent on an annual rate last month, and that has the potential to translate into accelerating growth, GDP growth of 6 percent? I suspect it will probably top out somewhere around 4 percent, but that is a very healthy economy. How will they deal with the fact that jobless claims are falling, and quickly, in many parts of our country? In fact, jobless claims are now lower than they were in February.

More good news: production in our Nation’s factories has increased, not decreased. Home-building starts are near record levels. Over 1 million new homes on an annual basis are on the books now and being built as we speak. This is the second highest level of home building in 17 years.
I believe consumers understand that things are improving and there is reason to feel that once again morning is coming to America and good days are ahead. But we can yet do more. I think we can do that in the FSC bill that has gone through our Finance Committee and is now in a conference committee. It contains a feature I helped get into the bill, as a most important provision, called reparation. This is a provision that will bring at least $300 billion of new investment in the next year into the U.S. What does it mean to companies in Oregon such as Nike, Intel, and Hewlett-Packard, which are our biggest employers? It means they can bring these foreign profits back for investment in American jobs.

Some say it is not good tax policy. Some say it is not fair. I say, do we want the jobs or do we not? If one wants to understand what this means in very real human terms to this country, recently Dr. Allen Sinai completed a study for the Reparation Council. It says what this means to this country. He said it would mean up to 650,000 additional jobs created in the first 2 years. He said $70 billion of the deficit would be eliminated. He said that increased GDP could be enhanced by 7 to 9 percent by 2005. He also said business capital spending, primarily of equipment, could peak at $75 billion by 2005. We can do more and Government should do what it can. It cannot control the cycles of supply and demand, but we can keep downward pressure on interest rates. We can keep rules and regulations reasonable and we can allow the genius of the American people to be manifested again in a free market economy.

Finally, I think it is very important to note that our friends on the other side who say the key to American prosperity is to invest in public things, in public investments, are right at the margins, but they are not right at the center of America where the entrepreneurial spirit with the right environment to invest to produce quality products we can afford, and to provide a service that makes us happy.

Ultimately, those who come with great jobs bills of public works—if that really could make an economy hum, then Japan would be leading the world and many European countries would be leading the world because they have fallen for this short-term, sugar-coated candy that says the government can do it, private industry does not need to do it, and it can be done through public works. If that were true, then the New Deal would have ended the Great Depression, but it did not. World War II did.

If that were true, then Japan and Europe would be leading the economies of the world instead of waiting for the American free market economy to begin taking off again. In conclusion, I think the good news is the American economy is beginning to hum again. For that, I am very thankful.
I yield the floor and yield back the remaining time we have in morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany S. 3. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion, having met, have agreed that the Senate rescinde from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferences on the part of both Houses.

(The Conference Report was printed in the House proceedings of September 30, 2003.)

The PRESIDING OFFICER. Under the previous order, there will be up to 4 hours for debate equally divided between the majority leader or his designee and the Senator from California or her designee.

The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I would like to enter into a time agreement for the first portion of the time allotted in this debate. I ask unanimous consent I be given the first 20 minutes until 11 o'clock; following that, the Senator from California be recognized for 10 minutes; following the Senator from California, the Senator from Alabama, Mr. SESSIONS, be recognized for 10 minutes; following the Senator from Alabama, the Senator from Kansas, Mr. BROWNBACK, be recognized for 20 minutes; following Senator Brownback, the Senator from California would then be recognized for 30 minutes. We will stop there and go from that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOXER. I have a question. That would take Senator Brownback until 11:40 or 11:45?

Mr. SANTORUM. To 11:50, and the time the Senator from California would then be recognized for 20 minutes. We will stop there and go from that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, we are here today on the verge of something the United States has done on two previous occasions; that is, passed a conference report to ban a partial-birth abortion procedure to be done in the United States of America. The only difference this time is we have a President who has said he is willing to sign this legislation. This is a very important day for this country and for those babies who would be the object of this brutal procedure. Having it banned in the United States of America is a historic event and a step forward in human rights for this country.

We have overcome two Presidential vetoes but now have a President who will sign this legislation.

The other thing that stopped this legislation from moving forward and becoming law was the Supreme Court decision in the Nebraska partial-birth abortion case. We have addressed those issues. There were two issues the court cited as its reason—in a 5-to-4 decision—for finding the Nebraska partial-birth abortion statute unconstitutional.

Those two reasons were, No. 1, that the statute was vague. We have amended the language of this statute to make sure that the description of a partial-birth abortion includes only those types of abortions and not other late-term abortion procedures, which was the concern of the court. We did so by a couple of things, but the most essential part was that the court found that the prior description could have included other types of abortion because during other types of late-term abortion procedures there may be a portion of the baby's body that at some point during the abortion procedure may come outside of the mother.

The other result of this, we could have been broadly construed to abolish those procedures, also.

In our language we are very clear. We say the term "partial-birth abortion" means an abortion which the person performing the abortion:

(A) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, [all new language] the entire fetal head is outside of the body of the mother; in the case of a breech presentation, that is, feet first] any portion of the fetal trunk past the navel is outside of the body of the mother . . .

Now, that specificity of talking about the way in which the child is delivered and then killed is fundamentally different than anything we had before. All we said before was that some portion of a living, intact fetus must be outside of the mother. That, the court found, was a little too vague for them. It could have included other types of abortions. So we are being very clear. There is no other abortion procedure which the entire fetal head would be presented with the child still being alive out of the mother, or the child would be delivered, but the head at this point and then be killed. There can be no confusion as to what procedure we are talking about in this case.

We believe with the language we have passed this bill we have now solved the constitutional problem of vagueness.

The second issue is the issue of women's health. We have a substantial section of findings in this legislation.
Much of those findings occurred since the case was tried at the district court level of Nebraska, which was the record upon which the Supreme Court made its decision. There has been a substantial amount of evidence that has been printed in Congress at congressional hearings that shows not only the overwhelming weight of evidence but the dispositive weight of the case was tried at the district court October 21, 2003.

The medical evidence has been presented.

... mothers who otherwise would be born alive and intact. So the baby is alive and intact. So the baby is alive and intact. So the baby is alive and intact.

What happens is, the doctor then takes the baby—because usually at that gestational age the baby is in a breech position—and goes into the uterus and grabs the child by one of the limbs, usually the leg or the foot, and then—if the next chart will come up—pulls out the baby through the birth canal, feet first.

Now, I have been blessed to have my wife deliver seven children. One of the fears of any pregnancy is having the child being in a breech position. Every obstetrician knows, everybody who has ever gone through a pregnancy knows, that there is a very dangerous position for the baby to be in; it is not the natural position to deliver a child. So what we are doing here is performing a procedure that is inherently dangerous; that is, delivering in a breech position.

So you are pulling the baby through the birth canal. Again, this baby is alive. If the baby is not alive, it is not a partial-birth abortion under the definition of the statute. The baby has to be alive and intact. So the baby is being pulled by these forces from the mother.

Again, it is being pulled out completely—and, again, the definition that is in the statute—until the trunk is exposed, at least past the navel. So at least the lower extremities of the baby are exposed outside of the mother. As such, the term “partial birth” comes from the fact that the baby is partially born, is in the process of being delivered.

The physician—as you can see—is holding the baby in his or her hand. This child weighs about 1 pound. This is a fully formed baby. It is not completely formed, obviously, because it is of only 20 weeks gestation, but hands, arms—everything—legs, toes, ears, etcetera, all these things you see here, that is what a baby at that gestational age looks like. And the relative size, the size of the baby—a pretty accurate depiction. This is not a cartoon. This is an accurate scale medical drawing.

As you can see from the next depiction, the baby is born, really, with the exception of the head. This is the thing that grabs at me is, here is this child who is literally inches away from being born, who would otherwise be born alive, and in almost all cases is a healthy child—it is not being done for any health reason, it is simply being done because the mother wants to terminate her pregnancy very late in the pregnancy—and the doctor has to hold this living child in his or her hand, with the heart beating, with the baby who is probably in shock at this point, but moving and alive.

Then what does the procedure calls for is these scissors, called Metzenbaum scissors. The doctor finds the baby's back. The doctor finds the base of the skull and then takes these sharp scissors and probes in to find the point right at the base of the skull—and, as you know, a baby's skull is soft. So they take these very sharp or they thrust them into the baby's skull.

Now, Nurse Brenda Shafer, who has testified before Congress, said that when that thrusting action took place, she saw the baby's arms and legs spasm and the baby—it lost its hold, and if you pretended you were going to drop the baby, how the baby sometimes would spasm their arms and legs out like that. That is what she said happened.

Then, as you see from this picture, the baby's arms and legs go limp, because when you thrust a pair of scissors in the back of baby's skull, you kill the baby.

But that is not enough. Now we have to remove the rest of the baby. So what the abortionist does is take a suction catheter, a vacuum hose, and in the hole created by these scissors, they place a vacuum hose, and they suck the baby's brains out to collapse the skull. It is a soft skull. At that point, the rest of the baby can then be removed from the mother's womb.

This goes on in America virtually every day, maybe more than once or twice a day, depending on whom you believe, anywhere from a few hundred times a year to a few thousand times a year. We never have very good information because the very people who collect the information are the people who oppose this procedure being banned, so they try not to publicize too much about what they do.

But the fact is, if it occurred once in April, the doctor feels up the baby's cervix and removes it, it is an innocent child, who would otherwise be born alive—was healthy, with a healthy mother—there is no excuse for it.
So when people ask the question, "Senator, why do you keep bringing this procedure back up to the Senate floor; it only stops one procedure; you are not banning other procedures that are used," my answer is, "Because this is how we determine what our law should be, what our collective morality should be, what our culture looks like because of the enormous freedom we have.

The heart and soul of America is reflected through our laws, unlike other countries that do not allow that democratic process to work so effectively. So when America passes laws, or when America allows certain behavior to occur, the world looks at that law or that behavior as determined by the collective consciousness and morality of the American public.

When they see this, what do they think of us? What do they think of us? What kind of culture do you think the rest of the world thinks America is all about? What kind of morality or ethics do you think the world thinks America is all about when they look at us and see that we allow this to be done to innocent little children?

So this is important for us to have laws that proscribe things that we would not want our children to see, that I know a lot of people do not want their children to see. My goodness, this goes on and you want little children to see this? We don't want the rest of the world to see that we allow this kind of brutality to occur to innocent little children.

So the answer is, we need to do this for ourselves. We need to police ourselves so we are going to allow in our culture. We cannot allow this kind of brutality to corrupt us, to corrupt our soul. And that is what it does. It makes us a much more brutal and harsh country if we stand here and say, yes, for whatever reason, we are going to allow this to occur. It coarsens us, it dulls our senses, and that dulling of the senses has a corrupting effect on not just how we treat little ones here but how we treat each other in every aspect of our lives.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. Enzi). The Senator from California.

Mrs. BOXER. Mr. President, do let me know when I have 2 minutes remaining out of my 20 minutes.

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mrs. BOXER. Mr. President, I stand before my colleagues as a Senator from California but also as a mother who had two complicated pregnancies and two wonderful, fabulous children, and also as a proud grandmother. I stand before you to tell you this is a very sad day for the women of America, a very sad day for the families of America, because what is about to happen here is this Senate is about to pass a piece of legislation that for the first time in history bans a medical procedure without making any exception for the health of the woman. This is a radical thing that is about to happen.

Let's clear something up for the record. When the clerk read the bill, she said this is banning something commonly called partial-birth abortion. There is no such term in medicine, no such thing as partial-birth abortion. There is either a birth or there is an abortion. There is a miscarriage. There is no such thing as partial-birth abortion. It is a made-up term to inflame passions.

My friend knows very well, if he was willing to agree to a health exception to protect the health of women, if he would have sat down with us on our side, we are ready to ban all late-term abortion. We are ready to ban all late-term abortion on our side, as long as there is an exception for the life and health of a woman, which is the centerpiece of Roe v. Wade. If he was willing to do that, we would not be taking the time of the Senate. This would be done.

This is more a case of wanting to keep an issue alive out there to make people believe those on the other side are cruel, whether we are mothers or grandmothers or aunts. That is what it is about. It took me a while to figure that out. But once I saw this bill come back to us in this form—clearly unconstitutional, clearly without a health exception, clearly vague, and all those who have discussed this with me tell me it is clearly going to be declared unconstitutional because it is practically identical to other bills that have been declared unconstitutional—I saw what this is about. This is about politics. That is what I believe. Because we could have had a bill today, as long as there is a health exception for the health of the women of this country.

Why would anyone in this Chamber be so callous as to pass a law knowingly keeping out a health exception for women? Well, if you listen to my friend's words and you hear the words he uses, you will understand why this is happening from the other side. My colleagues use the term "killing the child." As the author of the Violence Against Women Act and the Violence Against Children Act, I take deep offense at that language—deep offense. Women do not want to kill their child. Women who have had this procedure have come to the Congress, have begged Members of Congress: Do not pass this without a health exception for the mother. If I didn't have this procedure, I would have been made infertile.

I am going to go into those stories later in the debate. But here is the situation. You listen to the language "killing the child," you come to the conclusion my colleagues believe abortion is murder and women are murderers and doctors are accomplices. I thought we moved away from that when Roe v. Wade became the law of the land.

Why are we here today? I will be honest with you: because I didn't want this bill to go through, and neither do people who believe women are important. Women deserve to have their health and lives protected and their fertility protected and their organs protected. Women want to take a look at what the Senate debate is all about. They told us you were willing to go down the aisle with my friend and ban this, as long as it was not vague and had a clear health exception for women. Forget all this other talk about how cruel we all are. We were ready to do that. But no, my friend and his colleagues had to keep this thing going. It is their way or the highway.

Forget about what the Supreme Court has said about vagueness. Forget that the Senate majority has stated many times. This is basically a Republican court that has upheld Roe v. Wade.

With the next breath my colleague says: This bill is consistent with Roe v. Wade. It doesn't do anything to Roe v. Wade.

If that is the case, why in the conference—and I was a conferee along with the Senator from Pennsylvania—I say—and they run the Senate and the House and the White House—we are taking out the Senate amendment authored by Tom Harkin which simply said: The Congress believes that Roe v. Wade ought to be upheld?

There are two things in my friend's verbiage that show exactly what this is about. One, the term, used over and over again, "killing a child," which gives me a very chilling feeling that what this whole thing is about is eventually what women we have here and should go to jail, and doctors are their accomplices and they should go to jail. When you listen to verbiage, you hear a lot around here. And then, no problem, this bill, he says, is just in conflict with Roe v. Wade. Though there is no health exception because they declared, in writing this bill, that this procedure is never necessary to save the health of a woman, which I will prove to you.

The Senators on the other side who are pushing this are not doctors. There is one, but he is not an OB/GYN. I would rather listen to the doctors. I would rather listen to the health organizations rather than my friend from Pennsylvania. I like him. We are friends. That is not the point. We just strongly see this very differently. And we will continue to see this very differently as this issue goes on and on.

The House and the Senate passed different bills. What was different about our bill, S. 37 Senator HARKIN put the language, and the Senate voted on it twice—twice—one was unanimous, once was a majority—to keep Roe v. Wade in the bill, a simple statement of support of Roe. So I come to
the conference committee ready, along with Senator Feinstein, and other Congress people, to debate this issue. After all, my friend says here, we don’t have any problem with Roe. This has nothing to do with Roe.

First things first in the bill, folks, a sense of the Senate that Roe v. Wade should not be overturned. The Senate voted for it twice.

Let me tell you how long it took them to kick that amendment out. It was about 5 minutes. Not even a real discussion, not even a discussion about a discussion, not even a discussion about was about 5 minutes. Not even a real discussion about Roe.

We are going to vote Senator Santorum to debate this issue. After all, my friend says here, we don’t have any problem with Roe. We are about to play doctor in a big way. Fortunately, across the street in the Supreme Court they will see right through it.

So there are many things I could tell you about this bill. I will show you some charts today. Let’s see what the Supreme Court said about why we believe this bill is unconstitutional. There was a case called Stenberg v. Carhart. The Supreme Court found their ban of this procedure in this State—it was Nebraska—was unconstitutional. They said it paints a heavy burden on women because the definition is vague.

Now the other side said they fixed that problem. We don’t think they did. That will be decided. The second reason it was thrown out is there is no exception to protect women’s health. I have to tell you that on both of these counts S. 3 failed the Supreme Court test. It failed it. Even some of the most anti-choice people out there have written letters criticizing the other side because they said why don’t you do something that matters.

This is going to be overturned in the Supreme Court. So why are we going through this, seeing these pictures? One was on the Senate floor and a colleague wanted a 5-year-old to sit up there and look at these pictures. I objected to that. That is inflaming passions. I can show pictures of what it looks like when a woman gets a blood clot or when a woman is in a wheelchair and paralyzed, but I would not do that because this is not about sensationalizing anything. It is about doing the right thing.

I will yield the floor at this time. I see the Senator from Alabama here. I will return to continue this debate.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from California. I know she cares deeply about this. I just suggest that things are not as a lot of people think with regard to the question of abortion—particularly partial-birth abortion, which we are talking about today. That is all this bill has to do with.

I will just note that Faye Wattleton, a former president of Planned Parenthood, a very pro-choice group, and now head of a new organization, the Center for the Advancement of Women, recently commissioned a survey by the Princeton Survey Research Associates. It involved 3,329 women. This was a scientific survey. That is a very large number. A lot of polls on Presidential elections don’t have that many people polled.

That survey found that 51 percent of the women, who are supposed to be offended by this small, but horrible procedure, wanted to ban abortion altogether, or limit it to cases of rape or incest or where the mother’s life is in danger.

Another 17 percent said abortion—this is abortion in general—should be available under stricter laws than now
apply. That means that 68 percent of women polled think we ought to tighten up the laws. This idea, that dealing with partial-birth abortion is offensive to women, does not strike me as being sound based on that poll. But, of course, polls are not something we are going about here. We are here to do what is right, not to cringe to say the words. I wish they are having a growing understanding of that.

I do not believe this is the kind of action that most women in America are going to be offended by. I suspect if they knew the nature of partial-birth abortion as Senator SANTORUM has explained, the numbers would be higher than 68 percent opposing it. I think we are having a growing understanding of the issue.

I thank Senator SANTORUM for raising this issue. He has been a good advocate of it. It is time now that we take a step that will make America a better place. We must just say no to this procedure. There are some activities that we can't allow. There are some activities that can't be justified and are so beneficial of a public policy as great as America that we ought to ban.

I remember the debate a number of years ago when Senator Bob Smith, a former Senator from New Hampshire, raised this issue for the first time in this Chamber and attacked it as being an extremist, talking about things he ought not to be talking about on the floor of the Senate. But Bob Smith stood firm, as he always did, for what he believed in. He said this was wrong. But year after year has gone by. We have had hearings, and I was on the Judiciary Committee when we had hearings on it. We heard the implacable opposition from the pro-abortion forces. They wanted no yielding, no compromise, nothing that would give an inch on this issue, and they discredited facts and figures. Senator Bob Smith will now be vindicated. He displayed courage and determination in bringing this issue up and making sure that the American people understood what it is about and why this is a significant step in protecting the innocent unborn, but certainly does not have any broad impact throughout the abortion debate.

Many people probably did not believe what Senator Smith was saying at the time, frankly, but we have seen more about it. I think it is true that many people have not wanted to know about the gruesome details of this procedure: How a child, a baby, just 3 inches from birth is deliberately and systematically killed. That is not something about which we want to talk. We cringe to say the words. We wish they were not true, but unfortunately, they are true.

The destruction of a partially born child continues to this day. It is an affront to the decency of America, and I do believe this is a rational and appropriate legislative response on behalf of the American people.

The Senate is on record as agreeing with this view. Last year, we answered a very important question when we passed the Born Alive Infant Protection Act. This legislation basically said that if a child is accidentally born during a partial-birth abortion procedure—that is, the baby was actually born and removed from the mother—if the head was to move that final couple of inches, then that child's life would be protected. What do we do? Why should we even have a law that would say that you have a right to kill a child who has been removed from the mother? The Born Alive Infant Protection Act was passed unanimously by this body. It is an indication that inflicted pain and suffering on the child being born. That we know today. A few years ago, we were told by the experts that the anesthetic given to the mother would ensure the child feels no pain. However, we have learned this is just not true. Professional societies of anesthesiologists have refuted this claim.

The most mind-boggling aspect of this procedure, however, is that it is absolutely unnecessary. Almost all of the partial-birth abortion procedures that are performed in America are elective and not due to any danger to the mother's life. A number of people during this debate have expressed concern about the life of the mother, and Senator Smith was saying at the time, frankly, but we have seen more exceptions included in this bill to protect the life of the mother if it is in danger. The evidence suggests that such circumstances virtually never occur.

Even in extremely rare circumstances where the life of the mother may be endangered by a pregnancy, the only medical requirement is that she be separated from the child. There is no requirement that the child be killed. The legislation provides, however, for a contingency in which the life of a mother is threatened. It would allow in an abortion procedure but only "to save the life of a mother whose life is endangered by physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself." That is a pretty broad protection to a mother who may be endangered, but I really think it is unnecessary. The fact is the American Medical Association, a major institution in America, one that has defended abortion rights, has declared this procedure is never medically necessary. That is an official position of the American Medical Association that it is never medically necessary. This is not what we need, what else could we do? It is not necessary, and it should be outlawed.

The support for ending this procedure goes beyond our traditional debate on abortion. The support exists overwhelmingly, as because the partial-birth abortion procedure deeply offends our sensibilities as a people, as human beings who care about one another, who know that life is fragile, and who believe that all human beings need to be treated with respect and dignity, even though they may be weak.

The Declaration of Independence notes life, liberty, and the pursuit of happiness as the ideals of American life. Without this bill, a child partially born has those rights ripped away in a most vicious way. Allowing partial-birth abortion is a dangerous policy. It is a thin line. There is a thin thread that can justify this procedure that is, in my view, as said by the former Senator Daniel Patrick Moynihan from New York.

This is a dangerous line we are pushing. If we say that a child partially born can be killed—

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be given 4 additional minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the pro-abortion groups implantable in their opposition to any reduction in so-called choice powers, emphatically insisted that there be in the legislation declaring that the number of partial-birth abortions performed every year was small.

They insisted these despicable procedures were only performed in extreme medical circumstances. Therefore, they said the Federal Government should not pass laws to stop it, but that it was a flat out lie. I do not use that word often, but I will repeat it. It was not just an error. It was a lie.

These claims were either manufactured or disseminated in an attempt to minimize the significance of the issue and to dismiss the issues raised by Senator SMITH. In my view, it was based on ends justify the means theory.

As reported in a 1997 front-page article in the Washington Times, Mr. Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers—let me say that again, the executive director of the National Coalition of Abortion Providers—has been traveling the country saying these procedures were rare, had a change of heart. In his own words, he publicly admitted that he had "lied through his teeth" about the number of partial-birth abortions that were performed.

He estimated that "up to 5,000 partial birth abortions are performed annually, and that they are primarily done on healthy women and healthy fetuses." That is what we are dealing with here.

So I say to my colleagues on both sides of the aisle, how can we answer to our children and our constituents, our highest ideals as Americans, if we...
allow children to be destroyed in this way? If we are a nation that aspires to goodness, that aspires to be above the coarse and to meet minimum standards of decency, this legislation is most strongly needed.

I find it very puzzling that there continues to be strong resistance by a few to the banning of this one brutal procedure. I ask myself: What is that? I have heard it said that the people who oppose partial-birth abortion do so for religious reasons, as if that is an illegitimate reason to consider as one evaluates public policy.

Was it illegitimate when Dr. Martin Luther King marched for freedom based on his belief in the Scriptures? Religious principle is not an illegitimate reason for a motivation, but that has been a complaint about those who question the procedure.

I have analyzed the opposition to this bill and I cannot see that it can be founded on the law. I cannot see that it can be grounded on science: the AMA says it is not necessary. I cannot see that it can be founded on ethics; certainly not. Why is it? The only thing I can see is that there is a sort of a secular religious opposition to any control whatsoever of abortion that is, I believe, driven by an extremist group. We are going to allow these procedures to go forward as long as abortionists wish to perform them, they say, and you, Congress, just have no say in it whatsoever.

I do not believe that is a rational argument. It is not justified. This legislation is specific.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent that I have 1 additional minute.

Mr. REID. Mr. President, under the same conditions previously asked.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, this legislation would ban one simple, gruesome, unjustifiable procedure for destroying the life of a partially born child. I do not believe that threatens anybody's principles, but I will say one thing, not doing it threatens the decency and morality of the American people. Every day that it continues is a stain on the conscience of America.

I support this legislation, and I thank the Senator from Pennsylvania for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 20 minutes.

Mr. BROWNBACK. Mr. President, this is an historic day. For the first time since Roe v. Wade, we are going to deal with the issue of abortion and limit the practice in one significant way. This is an historic day for life: for establishing and supporting a culture of life in the United States; for freedom; and for human rights—for the dignity of the weakest and most vulnerable amongst us, which we all profess to support.

This is will go down in history as a pivotal day, where we start to recognize that the child in the womb is a child. The child in the womb is not a piece of property. The child is, indeed, a person with dignity and rights and is entitled to life. That is a very important thing to recognize and for the United States to support.

I will begin my comments by showing a picture of a very young child. Thanks to modern technology, we are able to see a lot more these days. We now have CAT scans, four dimensional, etc. etc. In the child in the womb. We can see children smiling and yawning in the womb at a very young age.

I recently had a gentleman in my office—we actually had him testify in front of the Commerce Committee—who performs surgeries on children in the womb—in utero surgeries. This gentleman works on children in the womb a great deal, and in doing these surgeries, for example, he says a child starts to move in the womb, he has to pull it out of the womb as it's being born. He has to pull it outside the womb. One has to go into the womb, when they are performing the surgery, to anesthetize the child. When a doctor goes in with a needle to poke the child in the womb, they have to choose an area so that the child can run around in the womb, but as they go in with that needle the child jerks back, holds their buttocks back. They do not like to get the needle in them.

Having five children myself—two of them are five now—I know it is a major procedure for us to go in and get immunizations in the doctor's office. For us to get two children immunized, it takes five people—two holding down, one giving the shot, and a couple of us saying, there, there, it is all right.

It turns out that children in the womb are very similar. They do not like the pain. They feel it. They pull back from it. They resist, and yet it is something that a doctor has to do.

I wish to continue my remarks by talking about a famous young child who is probably more famous before he was born than most people are during their life—Samuel Alexander Armas. I had him testifying about 2 months ago. He is now 3 years old. Samuel is a unique and beautiful child. He actually testified in front of the committee.

This is his hand coming out of his mother's womb. He had spina bifida, which a number of people recognize is a very difficult thing. The spinal cord does not develop. The child generally does not develop. The child generally does not develop. The child generally does not develop. The child generally does not develop. The child generally does not develop. The child generally does not develop. The child generally does not develop. The child generally does not develop. The child generally does not develop. The child generally does not develop. The child generally does not develop. The child generally does not develop.

This in utero surgery actually took place at 21 weeks of age, which is about the timeframe that partial-birth abortions occur—21 weeks. I want to show a positive side of this. They went in and did the surgery on Samuel. They fixed the problem of the spina bifida. As they were concluding the surgery on Samuel, this picture was taken of his mother's womb. The surgery on Samuel was reported in the USA Today. This is an in utero surgery. This surgery was being done at Vanderbilt University Medical Center. The photographer was there. He had taken pictures throughout the surgery. The surgery was just wrapping up when all of a sudden they saw the womb shake a little bit and Samuel's hand comes out of the womb.

The doctor is looking at it. Out of curiosity, I guess, as much as anything, he puts his finger near the womb and says, 'Shake it.' He just shakes it. Two of them are five now.

I do not believe that is a rational argument. It is not justified. This legislation is specific.

The photographer, in just a moment's notice, just clicks it. He doesn't know if he even gets the picture. He just senses that there is something important that has just happened. The hand goes in and goes back into the womb. Samuel, at 21 weeks, he is better covered at that point in time. Also, we believe in life. We are not going to do this to our child. At that time, they had even named him Samuel. They asked: What else can we do? They were told of in utero surgeries, and they decided to try it.

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aborted legally and killed by this brutal procedure called partial-birth abortion. Partial-birth abortion is a procedure that we have had gruesomely described to the American public on numerous occasions. So while at this stage the country has not wanted hope. He also could legally be killed at this point in time by that brutal procedure, partial-birth abortion, which involves no anesthetic, nothing—but a brutal, gruesome procedure that we will not stand for anywhere in the world. I believe that the country that believes in freedom and hope and in opportunity for everybody. We believe in life and liberty and the pursuit of happiness.

The central debate we are finally getting into is this little hand of Samuel, and asking is that the hand of a person or is that the hand of a glob of tissue? Is it the hand of an individual? Is it the hand of an extension of the mother? Is it a person or is it a piece of property? Is it some central question and it is a question we have wrestled with before. We wrestled with this question on the slave issue when—in that original sin of the United States of having slavery—would not recognize as a person but rather as a piece of property. It was a horrible thing, a horrible chapter. We have all recognized that and we say it was a bad thing.

Now we are on the same debate. Here is little Samuel’s hand. Is it the hand of a person or the hand of a piece of property? If it is property, we can dispose of it as we choose to see fit. If it is a person, it has rights and we have responsibilities towards that beautiful child; that Samuel is and is on a continuum, this child, from that point of time as well.

Do we want that child killed or do we want that child cured? Do we want that child in our society or do we want that child somehow just kind of done away with for whatever reason? The case might be? I do hope we get into a substantial and long-term debate about the nature of Samuel and his hand of hope as he reaches out from the womb and, by that little hand, says to us: I am a person. I am yearning to be free, yearning to live. I have much to give to you. I have much to give to this society. I have much to help with, and I want to do it. I want to be able to help you. I want to be there with you when my time comes. And Samuel did. He came out, and he is now with us.

We are this day moving forward on an issue of human dignity that I think is incredibly important. I think it is also an obligation for us to stand and recognize that human life—at whatever stage—is sacred, unique, and a precious gift. Each day when we have the call that says we lost a soldier in Iraq—two—to make that call, just sick at the stomach because that person was somebody’s brother; that person was somebody’s sister; that person was somebody’s father or mother; that person is unique, sacred, and that person is precious to us.

Is Samuel Alexander Armas any less unique and sacred and precious? If you kill him at this point in time, isn’t he dead for the rest of his life? Is it something he is in the womb he is in? Is this not a life continuum at that point in time? Is there something different here?

At this point in time he is property, and then when he comes out of the womb he becomes a person with rights and responsibilities? Why? Is it that he is dependent here in the womb? He is dependent when he is born, but he is property here that can be disposed of, and he is a person who must be protected when he is born? His hand speaks to us. His hand challenges us. His hand is a hand of hope to us as a society that says, yes, we recognize the rights of the most vulnerable amongst us, and we are going to protect them. We are going to stand for them. We are not going to let them.

This is an enormous day. This has been a long, 7-year fight about the issue of partial-birth abortion. In many ways it has been instructive to us as a country. I am absolutely convinced the American people are convinced that Samuel is a child and not somehow a piece of property or a lump of tissue. People in this country do not want children killed. They do not want that to take place.

As this debate has gone on and on, what we found is the American public has shifted. Now, particularly amongst young women of child-bearing age, you are seeing for the first time since this has been recorded that they are more pro-life than pro-choice. They are recognizing this is a child, it is a person, it has rights, it has beauty, it has things it wants to contribute. It is important that we let that child contribute.

Last weekend was a celebration of Mother Teresa’s beatification. It is quite something. A number of people in this body had a chance to meet Mother Teresa—a great contributor to the society around the world to the most weak and defenseless. She often came to the United States and graced us with her presence. She talked about the beautiful things, and she would talk about each of us having our own Calcuttas, where we can help people wherever we are. She talked about poverty. She talked about loving in the poverty of love.

She was most harsh about the institution of abortion, where a mother would end the life of her own child. She cared deeply for the mother and she cared deeply for the child.

She once said this: If we can accept that a mother can kill her own child, how can we tell other people not to kill one another?

She was this sort of haunting, piercing question. If we allow this in society, don’t we spawn a continual culture of death instead of a culture of life at the very inception of things?

What do we say to Samuel later on? Well, OK, we could have killed you by a brutal procedure at this point in time, legally, and that would have been fine, or we could have saved your life. There was no protection in particular only for the other hand. This is an important day for life. It is an important day for a transition in the culture of life. I ask people who are opposed to this ban to look at that hand of Samuel.

My colleague from California cares passionately about this issue, and about the issue of choice and the right of a woman to choose. But I don’t know that or anybody else can deny that this is the hand of a child, and we have some responsibilities to that child as well. Maybe we can call a hand a piece of property. But I don’t know how else biologically it could be defined. I don’t know how else physically it could be defined.

With each passing day, and our technology getting better and better and better, I really do ask people on the other side, Is this not a child? Am I not a person? Am I not a sister? Am I not a brother?

Others care deeply about the right to choose. I respect that. But we all have choices to make. Is it one that we choose to terminate a brother or sister, a person who could be a parent, a person who could be a contributor, or do we not?

It really is a defining moment. I hope people on the other side would look at this picture and say: Yes, I cannot deny the humanity of that hand, the hand of hope. I support the ban on partial-birth abortion and look forward to the day when it is signed.

I yield the floor.

THE PRESIDING OFFICER. The Senator from California is recognized for 30 minutes.

Mrs. BOXER. Mr. President, will you let me know when I have used 7 minutes? I yield time to the Senator from New Jersey.

I am very pleased to be joined by Senator LAUTENBERG. I will respond with my comments to the comments of the Senator from Kansas who was very eloquently talking about the most vulnerable among us.

As the author, when I was in the House, of the Violence Against Women Act, as the person who offered the amendment which allowed abortion in the House—and that passed for Medicaid patients—and as the author of the Violence Against Children Act today—and I hope my colleagues will cosponsor that bill because it is a wonderful way to highlight the madness among us—the example the Senator talked about, the case of Samuel, illustrates why the pro-choice position is so much the right position—In that case, the doctor recommended an abortion but the parents decided otherwise. The parents acted and said to the doctor: We do not agree. So they had the right to choose what they wanted to do. And good for them.
But if we legislate bans on this and bans on this—you have to have a child, you do not—and we turn into China or countries like Romania that said you shall have the babies, on the one hand, or you may not ever have a baby, on the other, the ability for families with their God, with their conscience, with their doctor, to make the decision they want to make.

The important thing is that the family have the choice. That is why I stand here today.

Mr. BROWNBACK. Will the Senator yield?

Mrs. BOXER. I will not yield time because Senator LAUTENBERG is in a rush. Mr. BROWNBACK. I ask that it not be taken off your time.

Mrs. BOXER. I yield for a short time.

Mr. BROWNBACK. Is this the hand of a child?

Mrs. BOXER. Senator, you did not listen to what I said, because you were talking to your staff, when I stood up.

Mr. BROWNBACK. I am responding to what you were saying.

Mrs. BOXER. No, you did not. I said, for the parents for making the choice and standing up for the doctor who gave them another suggestion. Fine. That is what a pro-choice position is. That is why I am so much for Roe v. Wade. That is why I stand here as a mother, as a grandmother, as a Senator from a very large State, addressing the Senate, and admitting to all my friends in the Senate, in the CONGRESSIONAL RECORD for all times, that I am not a doctor and I am not God. I am a human being. I trust other human beings to make these decisions. I trust Samuel’s family to make the decision they made. The doctor gave his opinion.

Mr. BROWNBACK. Will the Senator yield?

Mrs. BOXER. And I will not yield at this time.

Mr. BROWNBACK. Just a question.

Mrs. BOXER. I will not yield at this time. I will continue my statement. I do not want to lose my trend of thought because we are about to do something today that, although hailed by the other side, is the first time in history that the Senate is going to ban a medical procedure that is considered by many doctors—and we have put it in the RECORD, pages and scores—and I ask unanimous consent that they be printed in the RECORD—doctors and nurses have told us this procedure is often essential to protect the life and health of a woman.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS (ACOG) reaffirms its Statement of Policy on Intact Dilation and Extraction, initially approved by the ACOG Executive Board in 1997.

Sincerely,
RALPH HALE, MD, Executive Vice President.

Attachment.

ACOG STATEMENT OF POLICY
STATEMENT ON INTACT DILATION AND EXTRACTION

The debate regarding legislation to prohibit a method of abortion, such as the legislation banning “partial birth abortion,” and “brain sucking abortions,” has prompted questions regarding these procedures. It is necessary to be clear about definitions because the descriptions are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.

The American College of Obstetricians and Gynecologists (ACOG) believes the intent of such legislative proposals is to prohibit a procedure referred to as “Intact Dilation and Extraction” (Intact D & X). This procedure has been described as containing all of the following four elements:

1. Deliberate dilatation of the cervix, usually over a sequence of days;
2. Instrumental conversion of the fetus to a full breech;
3. Breech extraction of the body excepting a footling breech;
4. Partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Because the components are part of established obstetric techniques, it must be emphasized that unless all four elements are present in the procedure, the procedure is not an Intact D & X.

Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 16 weeks, intact D & X is one method of terminating a pregnancy. The physician, in consultation with the patient, must choose the most appropriate method based upon the patient’s individual circumstances.

According to the Centers for Disease Control and Prevention (CDC), only 5.3% of abortions performed in the United States in 1993, the most recent data available, were performed after the 16th week of pregnancy. A preliminary figure published by the CDC for 1994 is 5.6%. The CDC does not collect data on the specific method of abortion, so it is unknown how many of these were performed using intact D & X. Other data show that second trimester instrumental abortion is a safe procedure.

Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother. Intact D & X is one of the methods available in some of these situations. A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman. An intact D & X, however, may be the best or most appropriate method of abortion for a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman’s circumstances, make this decision. The potential exists that legislation prohibiting specific medical practices, such as intact D & X, may outlaw techniques that preserve the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.

Approved by the Executive Board.

It is misguided and unprincipled for lawmakers to legislate medicine. We all want safe and effective medical procedures for women; on that there is no dispute. However, the bill is not always safe and effective for the patient, nor is it always financially or emotionally-protected. To falsify scientific evidence into medical decisionmaking is inappropriate, flawed in a number of respects:

The FACTS

(1) So-called “partial birth” abortion does not exist.

There is no mention of the term “partial birth” abortion in any medical literature. Physicians are never taught a technique called “partial birth abortion” and it is impossible to medically define the procedure.

What is described in the legislation, however, could ban all abortions. “What this bill describes, albeit in non-medical terms, can be interpreted as any abortion,” stated one of our physician members. “Medicine is an art as much as it is a science; although there is a standard of care, each procedure—and indeed each woman—is different. The wording here could apply to any patient.” The bill’s language is too vague to be useful; in fact, it is so vague as to be harmful. It is intentionally unclear and deceptive.

(2) Physicians need to have all medical options available to provide the best medical care possible.

Tying the hands of physicians endangers the health of patients. It is unethical and dangerous for legislators to dictate specific surgical practices until a surgeon examines the patient, she does not necessarily know which technique or procedure would be in the patient’s best interest. Banning procedures endangers the health of the patient.

(3) Politicians should not legislate medicine.

To do so would violate the sanctity and legality of the physician-patient relationship. The right to have an abortion is constitutionally-protected. To falsify scientific evidence in an attempt to deny women that right is unconscionable and dangerous.

The American College of Obstetricians and Gynecology, representing 45,000 ob-gyns, agrees: “The intervention of legislative bodies into medical decisionmaking is inappropriate, ill advised, and dangerous.”

The American Medical Women’s Association, representing 10,000 female physicians, is opposed to an abortion ban because it “represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients.”

THE SCIENCE

We know that there is no such technique as “partial birth” abortion, and we believe this legislation is a thinly-veiled attempt to outlaw all abortion. The supporting scientific evidence this legislation seems to want to confuse both legislators and the public about which abortion procedures are actually used. Since the greatest threat to maternal health is to continue to use techniques that are used in the second and third trimesters, we will address those: dilatation and evacuation (D&E), dilation and extraction (D&X), instillation, hysteroscopy and hysterosotomy (commonly known as a “D&C”).

Dilation and evacuation (D&E) is the standard approach for second-trimester abortions. The only difference between a D&E and a more common, first-trimester vacuum aspiration (D&C) is that various instruments are further dilated. Morbidity and mortality studies indicate that this surgical method is preferable to labor induction methods (instillation, hysteroscopy) by choice.

From the years 1972–76, labor induction procedures carried a maternal mortality rate of 16.5 (note: all numbers listed are out of 100,000) and D&E was 10.4. From 1977–82, labor induction fell to 6.8, but D&E dropped to 3.3. From 1983–87, induction methods had a 3.5 mortality rate, while D&E fell to 2.9. Although the difference between the methods shrank by the mid-1990s, the use of D&E had already quickly outpaced induction, thus altering the size of the sample.

Morbidity trends indicate that dilation and evacuation is much safer than labor induction procedures, and for women with certain medical conditions, e.g., coronary artery disease or asthma, labor induction can pose serious risks. Rates of major complications from labor induction were more than twice as high as those from first trimester abortions. There are instances of women who, after having failed induction, acquired infections necessitating emergency D&Es, which ultimately saved her fertility and her life. Hyperthermia and hysteroscopy, moreover, carry a mortality rate seven times that of induction techniques and ten times that of D&E.

There is a psychological component which makes D&E preferable to labor induction; undergoing difficult, expensive and painful labor for a woman can be emotionally and psychologically draining, much more so than a surgical procedure that can be done in a few hours under general or local anesthesia. Furthermore, labor induction does not always work: Between 15 and 30 percent of cases require surgery to complete the procedure. There is no question that D&E is the safest method of second-trimester abortion.

There is also a technique known as dilation and extraction (D&X). D&X is merely a variant of data on D&E as it is an uncommon procedure. However, it is sometimes a physician’s preferred method of termination for a number of reasons: it allows the doctor to see the intact outcome of a desired pregnancy, thus speeding up the grieving process; it provides a greater chance of acquiring valuable information regarding hereditary illness or fetal anomaly; and there is a decreased risk of injury to the woman, as the procedure is quicker than induction and involves less use of strong instruments in the uterus, providing a lesser chance of uterine perforations or tears and cervical lacerations.

It is important to note that these procedures are at different gestational ages. Neither a D&E nor a D&X is equivalent to a late-term abortion. D&X and D&E are used solely based on the size of the fetus, the health of the woman, and the physician’s judgment, and the decision regarding which procedure to use is done on a case-by-case basis.

THE LEGISLATION

Because this legislation is so vague, it would outlaw D&E and D&X (and arguably techniques used in the first-trimester). Indeed, the Congressional findings—which go far beyond the legal terms—do not remotely correlate with the language of the bill. This legislation is reckless. The outcome of its passage would undoubtedly be countless deaths and irreversible damage to thousands of women and families. We can safely assert that without D&E and D&X, that is, an enactment of S.3, we will be returning to the days when an unwanted pregnancy led women to death through illegal and unsafe procedures, self-inflicted abortions, uncontrollable labor, and hysterectomy.

The cadre of physicians who provide abortions should be honored, not vilified. They are heroes to millions of women, offering the opportunity of choice. We urge you to consider scientific data rather than partisan rhetoric when voting on such far-reaching public health legislation. We stand by why the legislation is a thinly-veiled attempt to outvote and undermine the health and well-being of women, endangers the health of the woman, and the physician’s judgment, and the decision regarding which procedure to use is done on a case-by-case basis.

Sincerely,

Natalie E. Roché, MD, Assistant Professor of Obstetrics and Gynecology, New Jersey Medical College.

Gerenson Weiss, MD, Professor and Chair, Department of Obstetrics, Gynecology and Reproductive Health, New Jersey Medical College.


Hon. Barbara Boxer, U.S. Senate, Hart Office Building, Washington, DC.

Dear Senator Boxer: I understand that you will be considering Senate S.3, the ban on abortion procedures, soon and would like to offer some medical advice that may assist you in your efforts. Important stakes for women’s health are involved: if Congress enacts such a sweeping ban, the result could similarly threaten and reduce access to safe and common, pre-viability abortion procedures.

By way of background, I am an adjunct professor in the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California, San Francisco, where I co-direct the Center for Reproductive Health Research and Policy. Formerly, I directed the Reproductive Health Program for the Henry J. Kaiser Family Foundation and served as Deputy Assistant Secretary for Population Affairs at the United States Department of Health and Human Services. I represented the United States at the International Conference on Population and Development (ICPD) in Cairo, Egypt, and currently serve on a number of advisory boards for organizations that promote emergency contraception and new contraceptive technologies, and support reducing teen pregnancy. My medical and policy areas of expertise are in the family planning and reproductive health, prevention of sexually transmitted infections including HIV/AIDS, and enhancing international and family planning.

The proposed ban on abortion procedures criminalizes abortions in which the provider “deliberately and intentionally . . . delivers a living fetus . . . for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus . . . .” The criminalization is flawed in a number of respects: It fails to protect women’s health by omitting an exception for women’s health; and it menaces medical practice with the threat of criminal prosecution.

It encompasses a range of abortion procedures.

It leaves women in need of second trimester abortions with far less safe medical options: hysterectomy (similar to a cesarean section) and hysterotomy.

The proposed ban would potentially encompass several abortion methods, including...
dilation and extraction (D&E), sometimes referred to as "intact D&E"), dilation and evacuation (D&E), the most common second-trimester procedure. In addition, such a ban could also apply to induction methods. If a physician is using induction as the primary method for abortion, he or she may not be able to perform the procedure if the patient is not effectuated without running afoul of the proposed ban. A likely outcome if this legislation is enacted and enforced is that physicians will fear criminal prosecution for any second trimester abortion—and women will have no choice but to carry pregnancies to term despite the risks to their health. It would be wrong to deny women the safest possible manner. Women who will be affected by this legislation are women who need an abortion after the first trimester of pregnancy. I'd like to focus my attention on that subset of the women affected by this bill who face grievous underlying medical conditions. To be sure, these are not the majority of women affected by this legislation, but the grave health conditions that could be worsened by this bill illustrate how sweeping the legislation is. Take, for instance, women who face hypertensive disorders such as eclampsia—convulsions precipitated by pregnancy-induced or aggravated hypertension (high blood pressure). This, along with infection and hemorrhage, is one of the most common causes of maternal death. With eclampsia, the kidneys and liver may be affected, and in some cases, if the patient is provided an abortion, her liver could rupture, she could suffer a stroke, brain damage, or coma. Hypertensive disorders that can develop over time or spiral out of control in short order, and doctors must be given the latitude to terminate a pregnancy if necessary in the safest possible manner.

If the safest medical procedures are not available to terminate a pregnancy, severe adverse health consequences are possible for some women who have underlying medical conditions necessitating a termination of their pregnancies, including: death (risk of death higher with less safe abortion methods); infertility; paralysis; coma; stroke; hemorrhage; brain damage; infection; liver damage; and kidney damage. Legislation forcing doctors to forego medically indicated abortions or to use less safe but politically palatable procedures is simply unacceptable for women's health. That is why, Senator, for my efforts to educate your colleagues about the implications of the proposed ban on abortion procedures.

Sincerely,

FELICIA H. STEWART, M.D.

CENTER FOR REPRODUCTIVE RIGHTS
Washington, DC March 6, 2003

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC

DEAR SENATOR BOXER: On June 29, 2000, in Stenberg v. Carhart, 530 U.S. 914 (2000), the U.S. Supreme Court held that Nebraska's sweeping ban on abortion—misleadingly labeled a ban on so-called "partial-birth abortion"—was unconstitutional. I was one of the attorneys for LeRoy Carhart, M.D., the Nebraska physician who challenged the ban in that case.

In Carhart, the Court held that Nebraska's abortion ban was unconstitutional for two reasons. First, the Court held that the ban did not prohibit only one type of abortion procedure. The Court analyzed the two primary methods that are the most commonly used method for performing pregnancy termination procedures, including the safest and most commonly used method for performing "partial-birth abortion," a procedure Carhart had performed in Nebraska for years. The Court ruled that the ban constituted an undue burden on women's right to choose. Second, the Court held that the Nebraska ban was unconstitutional because it failed to include a health exception. The Court noted that "a State may promote but not endanger a woman's health when it regulates the methods of abortion" and that "the absence of a health exception will place women at an unnecessary risk of tragic health consequences." Carhart, 530 U.S. at 931, 939. The new federal bill (H.R. 760, S. 3) contains the same two flaws. Like the Nebraska law, the federal bill fails to limit the stage of pregnancy to the first trimester. The bill's provisions, if they apply, so the ban could criminalize abortions throughout pregnancy (or just post-viability or "late term" abortions, as the bill's sponsors misleadingly imply). By failing to limit its prohibitions to abortions involving an "intact" fetus, fails to explicitly exclude the D&E technique or the suction curettage abortion method from the bill's prohibitions, and fails to include definitions of key terms such as "living" or "completion of delivery." Like the Nebraska law, the federal bill also fails to include the constitutionally mandated health exception. Therefore, the federal bill is unconstitutional for the same reasons as the Nebraska law struck down in Carhart.

Because the U.S. Supreme Court has already struck down legislation containing the same constitutional flaws contained in the new federal bills, these bills can only be seen as a direct attack on the Supreme Court's decision, on the safest and most common abortion procedures in the second trimester, and on the protection for women's health that have been consistently reaffirmed throughout three decades of abortion jurisprudence. Please feel free to contact me with any further inquiries.

Sincerely,

PRISCILLA SMITH, Director.

Mrs. BOXER. Let me reiterate who is being compassionate. Our side of the aisle, down to every person, and the pro-choice side of the aisle. On the other side we have a few. We agree to this ban but if there is a federalization for the health and life of a woman. The other side said no. And the clear fact is, when the other side says there will not be an exception for the health of the woman, the other side is not being compassionate.

I will tell you, when a woman is told—and we will take out what could be a margin of error of 1 to 3 points; 55
percent believe the Government should not be involved in this private medical decision. I ask unanimous consent to have that printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD.

NARAL PRO-CHOICE AMERICA 2004 PRESIDENTIAL POLL
Anna Greenberg of Greenberg, Quinlan, Rosner Research Inc. conducted this poll for NARAL Pro-Choice America between June 5, 2003 and 8, among 1,200 likely voters with a margin of error of 1/3.

While the 2004 election will be shaped by the economy, security and the war on terrorism, we believe the choice will be driven by how well party leaders handle an important role in the presidential contest. Protecting a woman’s right to choose, especially when it is framed as protecting her right to privacy and freedom from government interference, can move important swing voters including Independents and suburban voters toward a pro-choice Democratic candidate.

Here are our findings:

The country is pro-choice. A majority, 56 percent, believes that abortion should be legal in all or most cases.

The country does not want the government involved in a woman’s private medical decisions. Eighty percent of voters believe that abortion should be driven by the woman and her doctor as compared to just 11 percent who say it’s a decision that should be made by the government. Only one in ten voters who are identified as “pro-life” believe that government should make the decision. Even a majority of those who identify as “pro-life” (55 percent) believe that a woman and her doctor should make the decision.

The presidential race will be competitive and choice can play an important role. After a fully informed debate that includes the candidate’s position on a woman’s right to choose, the race between President Bush and a generic Democrat tightens considerably. Initially, a generic Democratic candidate trails President Bush 15 points, 38 to 53 percent; after hearing the candidates’ competing choices, support for a pro-choice Democrat drops to 6-point race, 44 to 50 percent.

Choice moves swing voters. After hearing two scenarios about the Democratic candidate and President Bush’s position on choice, for a generic Democratic candidate increases from 44 to 46 percent, while support for President Bush drops 2 points, 48 to 46 percent. This movement is driven by moderately pro-choice voters who did not yet support the Democratic candidate but that stage of the survey (more below).

A principled commitment to privacy is the strongest message a pro-choice can make about a candidate. A privacy message is the strongest pro-choice message for a Democratic candidate and is consistent with the values promulgated in recent Supreme Court decisions. Fully 71 percent of voters say the privacy argument is a convincing reason to support the Democratic candidate for president; a majority (52 percent) says it is a very convincing reason.

A woman’s right to choose is a private and very personal choice, and it should remain that way. The decision to have an abortion should be made between a woman and her doctor. The government should stay out of private medical decisions.

Important swing voters move towards a pro-choice Democratic candidate after a fully informed debate that includes the candidate’s position on choice, there is a 16-point shift toward the Democratic candidate among Independents, a 12-point shift among suburban voters and a 10-point shift among moderate voters.

A pro-choice Democratic candidate can improve his or her standing with moderately pro-choice voters. Voters who describe themselves as 7-point margin for a Democratic candidate (49 to 42 percent) in the initial vote to vote to a 28-point margin for a Democrat (61 to 33 percent) in the final post-choice positioning vote.

Democrats have a strong advantage on gender issues. Whether that means women’s issues or women’s reproductive rights, voters believe that Democrats do a better job on these issues. The strongest advantage is on a woman’s right to choose with 60 percent of voters saying Democrats do a better job on the issue as compared to just 19 percent who believe Republicans do a better job on the issue.

Other findings of interest: 61 percent of Americans know someone who has an abortion, including 56 percent of those who identified themselves as pro-choice.

Mrs. BOXER. We have different polls. But my friend from Alabama is totally correct. This is not about polls. He can prove in one poll that he is right; I can prove in one poll that I am right. The issue is in the hearts. We do not agree with each other.

If you want to make a woman a criminal, make a doctor a criminal, come here, we will have a vote up or down on that. Do not chip away, chip away, chip away on women in the process. The Court has stated that this is unconstitutional, bottom line.

On the other hand, my colleague said: our bill that bans this procedure is not within the Roe because we have declared in the U.S. Supreme Court, the law is not unconstitutional, and in the course of the conference, the congressmen on the other side threw out the language that supports the Roe v. Wade decision.

This is a bad package for the families of America. I know the handwriting is on the wall that it will pass, but the issue is not going away.

I yield to my colleague as much time as he may wish to consume, Senator LAUTENBERG from New Jersey. I thank him for coming over today.

Mr. LAUTENBERG. Mr. President, I thank my colleague from California for her courage to stand up here and take a position when what we are seeing on the other side with its pictures and statements about how abortion is running rampant through America. It is not. We ought to face up to reality. My position is kind of: There they go again. There they go again, wanting to curb people’s rights, rights that are arguments and get overtime pay. The other side wants to promote judicial nominees who are anti-choice, anti-union, and anti-civil rights.

This is an attempt to regulate people’s behavior.

I have noticed one thing here since this debate has begun: We have not seen one woman talk in favor of the side that says: This procedure ought to be banned. Put the doctors in jail. We have 15 women in the Senate, but not one is here defending the position that says: Take away the doctors’ ability to practice medicine as they see fit.

Listen. I want to be clear here. And I want everybody to hear my voice: I am consequently must contain a health exception.

I ask my colleague if he is ready to speak because I am ready to yield the floor.

Mr. LAUTENBERG. Yes, Mr. BOXER. Here is what we know so far. We have a bill that has no health exception. It bans a procedure doctors say is needed. We have a bill that looks just like the Supreme Court case, and the Supreme Court said it is unconstitutional. And in the course of the conference, the congressmen on the other side threw out the language that supports the Roe v. Wade decision.

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Mr. LAUTENBERG. Mr. President, I thank my colleague from California for her courage to stand up here and take a position when what we are seeing on the other side with its pictures and statements about how abortion is running rampant through America. It is not. We ought to face up to reality. My position is kind of: There they go again. There they go again, wanting to curb people’s rights, rights that are arguments and get overtime pay. The other side wants to promote judicial nominees who are anti-choice, anti-union, and anti-civil rights.

This is an attempt to regulate people’s behavior.

I have noticed one thing here since this debate has begun: We have not seen one woman talk in favor of the side that says: This procedure ought to be banned. Put the doctors in jail. We have 15 women in the Senate, but not one is here defending the position that says: Take away the doctors’ ability to practice medicine as they see fit.

Listen. I want to be clear here. And I want everybody to hear my voice: I am
not pro-abortion. I am pro-choice. I believe a woman has the right to make a decision, in concert with her doctor, about her health.

What happens if she has another sick child or she herself suddenly finds that her health is ruined, physically or mentally? Does she have a right to make her decision? I think so.

I have a child who is now pregnant with my 10th grandchild. We do not talk about abortions. Thank God, my other grandchildren and their mothers have been healthy. But we had their health checked to make sure everything was going to be OK because nothing is more important than having my three daughters and my daughter-in-law available to take care of the children they have and to make sure that their families stay intact.

But here, in what I call the “male-garchy” that is the United States Senate, we have the men deciding what ought to happen with women who, with their partners want to make a decision to protect their health.

The Senator from California was eloquent. She said: Provide those exceptions for the health and well-being of a mother. But no, that is not good enough. Why don’t we do it the way these women are making these decisions. We don’t like it. We don’t think they are mature enough to make these decisions. They are mature enough to be a mother, but are they mature enough to make their own decisions about their body? No, not according to the “Big Boys Club” here; they should not be allowed to do that.

This is always a very difficult discussion. I don’t think my friends who are on the opposite side are evil; they just don’t understand the other side. How can these people, these poor poor women, who are risking their own health, carrying a fetus for 6 or 7 or 8 months—never a pleasant experience, I assure you.

As I said, there is no such medical term as “partial-birth abortion,” and that is what the bill is not designed to ban one particular abortion procedure but many safe and legal medical procedures. If S. 3 is ultimately passed, and President Bush signs it into law, as he has promised, that will make the first U.S. President to criminalize safe medical procedures.

Nobody is fooled by the real objective here, which is to chip away at a woman’s right to choose and, ultimately, to criminalize legal and safe abortion procedures.

No. When people know what this bill is really about, they are opposed. An ABC News poll showed that 61 percent of Americans oppose criminalizing abortion procedures if a woman’s health is threatened.

The bill is deceptive. It is extreme. We already know this bill won’t pass the constitutional test. When we debated this bill back in March, many of us who are pro-choice said clearly, directly, and would accept this bill if the bill’s proponents would just make an exception for the life and health of the mother. That is what we were asking for. What is wrong with that? I don’t understand the other side’s objection to that.

Their obstinacy shows the true position of those who want to police our conduct and decide how people ought to behave. It is too bad. It is not right.

The sponsors of S. 3 have repeatedly refused reasonable attempts to include a health exception such as the Feinstein substitute, which was defeated. This bill is purely political. Everybody here knows it will be ruled unconstitutional. Five members of the current Supreme Court have struck down a State ban on so-called partial-birth abortions. The same fate awaits this legislation. And in New Jersey, my State, the State Supreme Court overturned a similar ban in 2000.

About a month ago we had a very enlightening debate on the Senate Floor over an important amendment offered to S. 3 by our colleague, Senator HARKIN. The amendment reaffirmed support for the Supreme Court’s decision in Roe v. Wade. The House Republican leadership decided that the Senate did not have the wisdom, and their leadership and their anti-choice friends removed Senator HARKIN’s language in 2002.

Striping the Harkin amendment that reaffirms Roe v. Wade shows us what the President and his anti-choice allies are really after. They want to overturn Roe v. Wade. It has been said many times. Unfortunately, this bill puts them on that path.

During the previous debate on this bill, the junior Senator from Pennsylvania characterized the Harkin amendment as a reaffirmation of current law, as extreme. That is absurd. Not being willing to protect a woman’s health is extreme. It is extreme, and it is wrong.

We know where this administration is headed. We know the true motives of the anti-choice administration and its allies in Congress. Look no further than the recent decision in 2002 made by the Bush administration to amend the State Children’s Health Insurance Program to prohibit funding for abortions for fetuses and embryos rather than for pregnant women.

This rabid ideology extends so far that the administration won’t allow the United States to participate in international family planning programs. We are so paranoid about this, it is ridiculous.

I urge my colleagues to think where this bill will take us, to put women’s health and access to safe medical care before ideology, not to vote for this thinly veiled attempt to overturn Roe v. Wade. I urge that you vote against this unconstitutional bill before us.

I yield the floor.

Mrs. BOXER. Mr. President, how much time do I still retain?

The PRESIDING OFFICER. The time remaining is 76 minutes.

Mrs. BOXER. I thank the Chair. I will use the 6 minutes and then the time will revert to me from Pennsylvania.

I thank my colleague and friend from New Jersey for coming to the Chamber to lay out so many of the unstated issues that revolve around this debate. The points he made today are important. Before he leaves, I want to ask him a question on my time. I know he is the proudest grandpa of 9, soon to be 10. I hope and expect you have served for many years not only in public life but as a leader in business and leader of the community.

We hear from the other side about the need to protect the vulnerable. My friend stands with me as a supporter of the Violence Against Women Act, a supporter of the Violence Against Children Act and the need to do everything we can for the most vulnerable, to protect them from evil doers.

I find it interesting that they will talk on the other side and show pictures on the other side of fetuses before
they are born. And the compassion, I don't doubt that for a minute. I have no doubt that my colleagues feel such compassion. Believe me, I do as well. Having given birth to two premature babies, I totally understand the love and compassion you give to the child you are carrying.

But I want to say to my friend, isn't there something missing here from this discussion of compassion? Should we not show compassion for a woman who desperately seeks to have a child and is told in the 7th month, the 6th month, that something has gone terribly awry, that the baby's head is so large, the brain perhaps is developing outside of the skull, there are other problems, that the doctor says, to spare this woman a lifetime-threatening illness or to spare her infertility, that he recommends or she recommends that this procedure that is now being outlawed is the only way to do it, to spare the woman from these possible health consequences which, no serious, long-term, could even land her in a wheelchair, render her unable to take care of her other children, and to spare that fetus, if it were born, the worst nightmare of a brief and short life? This happens to my friend. Eileen, she is grappling with her religion, ethics, values given to their values, their souls, their dignity? I will talk about this in that decision and in that choice.

Mr. LAUTENBERG. Mr. President, in fact, the question is a very good one. It addresses the issue we are discussing. Why is there no agreement to the request of so many of us to go along and outlaw certain procedures altogether, get rid of them, as long as the health and well-being of the mother is taken care of?

I ended initially—and it is still in existence—a cancer research center. It is called the Lautenberg Cancer Research Center, paid for with my own funds and people from whom I have raised money. We focus on breast cancer and other issues. We try to protect the women's health at all costs. We are not as generous here as we are to the fat cats who are going to get these huge tax breaks, but no, they are entitled to theirs. But when it comes to potentially taking care of women's health, a child's health, men's health, all of it—well, it is OK to do that to a point. But to let women make their own decisions is outrageous.

There is nothing more tragic than to see a woman unable to take care of herself or her family as a result of continuing with a pregnancy that robbed her of her well-being.

Mrs. BOXER. Well, my friend is right. I just hope we recognize, because I know the Supreme Court recognizes it, that if we turn our backs on the women of this country as we are doing to today, first, it will never hold up across the street in the Supreme Court—no way.

Second of all, we are threatening the health of so many women. Before my friend lets us give him two brief stories. Eileen Sullivan of California—and these women are so courageous to tell the stories—is a Catholic with 10 brothers and sisters. Eileen had long awaited her first child. She and her husband were devastated to discover, at 20 weeks, that testing revealed overwhelming fatal abnormalities in their son, including an improperly formed brain, a malformed heart, no lungs, and a nonfunctioning liver. The severe anomalies were incompatible with life.

The PRESIDING OFFICER. The Senator's time is up.

Mrs. BOXER. I ask unanimous consent for just 1 more minute.

The PRESIDING OFFICER. Without objection, it is ordered.

Mrs. BOXER. Eileen and her husband sought the advice of medical specialists, but the prognosis grew worse with each additional test. Finally, the Sullivans, religious Catholics, made the decision they thought was most compassionate for their son, safest for Eileen, and most likely to allow them to have a healthy child in the future. Eileen had a D&X abortion in July of 1996.

I will conclude by saying I don't think it is compassionate to take away the choice of a woman such as this who is grappling with her religion, ethics, and making a decision with her family to do what is right for her family and for this unborn child. I think it is such a statement that there is no respect for the people of this country, there is no value given to their values, their souls, their religion, to their way of dealing with tragedy.

I don't understand how my friend from the other side of the aisle, who always talk about Big Brother interfering, could move into this area and turn their backs on the American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, it is very clear to me that the Senator from New Jersey and I have a fundamental difference on how we view this issue. For the Senator from New Jersey to liken this procedure to the removal of an intestine, to compare the killing of a fetus—

Mr. LAUTENBERG. Will the Senator yield?

Mr. SANTORUM. To compare the killing of a fetus to the removal of an intestine—a fetus like in this picture, where you can see that little hand, that is a 21-week-old. That is the age at which these children are killed by partial-birth abortion. I want to compare the killing and extinguishing of life to the removal of an intestine.

Mr. LAUTENBERG. Will the Senator yield for a very brief question? My fa- ther was 42 when he was stricken with colon cancer and he had his intestine removed to try to save his life. It was an ugly, painful procedure. As I equate this with any painful procedure that is surgically necessary. They tried to save his life but we were unable to.

Mr. SANTORUM. The Senator from New Jersey is equating the removal of tissue that was damaging to the person involved—removing an intestine to preserve that health or life. This little partial-birth abortion, this is a thing—in fact, the industry agrees: healthy mothers, healthy children—that little child is not a threat to this mother. It is not a cancerous lesion. It is not a deformed child. It is not a threat to the mother but because the mother no longer wants the child.

The father of the Senator from New Jersey whose operation was performed was removing something that was damaging his health and potentially threatening his life. It is the case here. To compare the two shows you the fundamental difference in our view.

What are we saying to people when we liken little children to cancerous parts of someone's body? We see these little children as, what, threats? As something to be excised because they are not wanted? Is that the way we look at children? Is that the way we see them as cancerous lesions? Then we wonder why we have such high child abuse in this country, why one-third of the pregnancies end in abortion, why our culture is degraded, because we compare them to cancerous intestines on the floor of the Senate.

I yield 10 minutes to the Senator from Nevada.

Mr. ENNSIGN. Mr. President, the first thing I want to address is: the other side has been talking about the health of the mother and it includes a provision if the life of the mother is threatened. As far as the health of the mother is concerned, a select panel convened by the American Medical Association could not find any identified circumstances in which a partial-birth abortion was the only appropriate alternative.

We have heard a lot of testimony from OB/GYNs and all kinds of medical experts that this procedure is never necessary. To argue that it is somehow medically necessary is a false argument. This procedure is so grotesque that when it is described, it makes people shudder. I once described this procedure when I spoke to some high school kids, and I used it as an example. I got complaints from the parents because we talked about such a gruesome procedure in a school. I can understand why they would be upset.

But people have to understand that this gruesome procedure is happening in the United States. What we are trying to do now in the Congress is to say
Mr. SANTORUM, and Senator FRIST for their leadership on this particular issue. Both have worked extremely hard. I also commend the Presiding Of-


cr—bssor of the Partial-Birth Abortion Act, which is S. 3. This legislation is designed to help protect unnecessary suffering of the unborn child and also to protect the mother. It prohibits a partial-birth abortion, which is a partial-delivery of a living baby, the killing of a baby before complete delivery.

The bill allows partial-birth abortion except for the life of the mother, and in cases where there is endangerment by physical disorder, illness, and injury.

I will go through some of the bill's definitions, which I think say a lot about what this bill is all about.

The term “partial-birth abortion” means an abortion which, first, “the person performing the abortion deliber-


This is a very emotional issue, and I understand people who believe abortion should be legal. There are a lot of


women who have had abortions, who have gone through incredible stress—post-abortion syndrome, as it is


known. It is likened to post-traumatic stress syndrome. I feel badly, and I feel pain for those women and men who


have been involved with abortions.


Sometimes as a defense mechanism, one tries to justify what one did. I think it is important for us to show compassion for those people who have been involved and it is important not to judge other people's motives. But at the same time, we have to look, as a country, at whether it is right or wrong. If it is a baby, it is wrong. It just is. If it is a baby, it is murder. If it is not a baby, if it is some tissue, like the other side says, that is exactly right, it should be legal. It should be absolutely legal, if it is just tissue. But if it is a human life, then that human life deserves to be defended. That inex-


cuent human life deserves all the protec-


tions of the law, whether they have Down syndrome, spina bifida, or any other congenital ailment. They deserve to be protected. Our law any other “normal” healthy child has.


We have to look at ourselves as a soci-


ety and what type of a society we want to have going into the future. America's greatness has been because we have had high standards. This is the great moral problem of our day about which we have to do some soul-searching as a country, to be on our knees in prayer to figure out the right course of action. For me, it is clear.


I urge all of our colleagues to do a lot of soul-searching on this issue. I believe if you are honest, people will see the rights of a baby deserve to be pro-


tected.


I thank the manager of the bill and others who have been involved in this issue for the great work they have done. This is truly a fight worth doing and worth doing right.


I thank the Chair. I yield the floor.


RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m., and reassem-

bled when called to order by the Presiding Officer.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003 CONFERENCE RE-

PORT—Continued

Mr. SANTORUM, Mr. President, I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I commend the Senator from Pennsylvania,
The American Medical Association, for example, which is an organization that is committed to medical excellence on behalf of patients and professionals, opposes this procedure. The AMA has described this procedure as unsound and dangerous. The American Medical Association has stated it is “not good medicine,” “not medically indicated.”

There are some specific exceptions: If the mother’s life is in danger. The bill allows abortion if endangered by physical illness or injury.

In the bill, again, it says:

Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years or both. This subsection does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from her pregnancy.

I went through a lot of the procedures of the bill just to let the Members of the Senate know how grotesque this procedure is. This bill is necessary and important.

This nation is designed to protect infants. Testimony in committee indicates there is pain to the baby when this partial-birth abortion procedure is conducted. Professor Robert White, who is director of the Division of Neurosurgery at the Brain Trauma Laboratory at Case Western Reserve School of Medicine, testified before the Constitution Subcommittee in 1995. These are his exact words:

The fetus within this time frame of gestation, 20 weeks and beyond, is fully capable of experiencing pain. Without question, all of this is a dreadfully painful experience for any infant subject to such a surgical procedure.

The procedure should not exist or be permitted, in my view. It is painful, morbid, inhumane, and simply barbaric. A majority of Americans believe we should end this practice and it should be illegal except if necessary to save the life of the mother.

The House and Senate have passed a number of times on this legislation. We passed a partial-birth abortion bill from this body in the 104th, 105th, and 106th Congresses. In the 108th Congress, both the House and the Senate passed this ban—both in the House of 181 for, 142 against. It was a bipartisan vote. Again, we had a bipartisan vote in the Senate, where we had 64 for and 33 against.

It is important that we pass this peculiar legislation. The President strongly supports S. 3, President Bush, in his State of the Union Address, asked Congress to:

... protect infants at the very moment of birth, and end the practice of partial-birth abortion.

We need to act now. I again thank my colleagues in the Senate who have been such strong advocates of eliminating partial-birth abortion except in situations threatening the life of the mother. I am pleased we are acting now, and I thank my colleagues for their support of this important ban for the Nation’s children.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SANTORUM. After conferring with my colleague from California, we set this in place. I will yield to the Senator from Illinois for 10 minutes. I ask unanimous consent that following that 10 minutes, knowledge of the Ohio be recognized for 10 minutes.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I yield 10 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, this debate is not something I look forward to on the floor of the Senate. This is one of the toughest issues any elected official ever has to face. It is highly controversial. In my home State of Illinois, in my hometown of Springfield, virtually everywhere I travel, there is a real strong difference of opinion on the issue of abortion.

I understand that, and I really have to say as to all those who come to the floor today on either side of this issue, we should never question their motives because of the fact that one of us has tried to search our soul to find out what is fair and what is just. In many instances here, we are talking about things beyond our expertise as individuals. Some of us are lawyers, some have other backgrounds. Very few, if any of us, have medical credentials. But we come today to consider something which is historic, and that is that we would ban in the United States a medical procedure.

Yet in this bill we are saying, as politicians and legislators, we want to step into that room in the doctor’s office, we want to stand between the doctor and your wife and family would make the best decision, appropriate to her medical circumstances? There is no doubt in my mind. There is no doubt in the minds of the women who have come to tell me of the sad stories of their pregnancies that ended so badly.

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If it were your wife whose life was at stake, whose physical well-being were at stake, isn’t that the standard you would want? That is what we are saying, that those are the only two exceptions for which I will stand.

But the bill before us today does not allow those two exceptions. If a mother faces the possibility of grievous physical injury if she continues the pregnancy, this bill will still ban a procedure, which some doctors believe is best for her under those circumstances. Consider that for a moment. Consider what we are saying. Even if the woman faces grievous physical injury, she has to go forward with the pregnancy and least seek some other way of terminating the pregnancy that might not be as good for her.

Don’t take my word for it. Again, I am a lawyer, I am a legislator. But the American College of Obstetricians and Gynecologists was asked about this procedure, and this is what they said. When abortion is performed after 16 weeks, intact D&X, which is what is called partial-birth abortion here, is the method of terminating a pregnancy. This is the important language from the professionals, from the obstetricians and gynecologists. Listen closely:

The physician, in consultation with the patient, must choose the most appropriate method based upon the patient’s individual circumstances.

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name, they know what they will do when the baby comes home, she gets the tragic news that something has happened no one anticipated. One of the ladies from my State came forward. I met her a few years ago. Vicki talked to me about two children she had, a third child on the way. Here she was, late in her pregnancy. She described the pregnancy as disgustingly normal. At 32 weeks in the pregnancy, 8 months into the pregnancy, she went in for an ultrasound. The ultrasound revealed the little boy she was carrying had at least 9 major anomalies, including a fluid-filled cranium with no brain tissue at all, compacted, flattened vertebrae, congenital hip dysplasia, skeletal dysplasia, and hyperteloric eyes. The doctor told her this baby will never survive outside the womb and because of her physical condition she said she should terminate the pregnancy if she wanted to live and if she ever wanted to have another child.

Here it is, right here, sat down with her. They told me, personally, of crying through the night, making this decision and finally deciding they had to do this. And they did. She terminated this pregnancy with the very procedure that is being banned by this bill. She did it because she thought she had no choice. The doctor told her she had no choice. Frankly, if this bill passes, that procedure would not be available to her.

What has happened to Vicki since? The good news is she became pregnant again and she delivered a son, Nicholas, a little boy I met right outside the Capitol. This is a woman who did not want to be a mother, who did not want to be pregnant. No. It is a woman who, through no fault of her own, found herself facing a medical emergency and deciding at the last moment, with her husband and her conscience, what was the best thing to do. She chose the very procedure which is going to be banned and prohibited by this bill.

That is unfortunate. There has been so much publicity back and forth about abortion procedures. Trust me, there is no way to terminate a pregnancy which is clean and sanitary and something you would want to publicize on television. It is a gruesome procedure at any stage in the pregnancy. Yet we have been led to believe this termination of pregnancy is somehow much different.

When I came before the Senate and said, all right, I will go along with terminating all late-term abortion procedures except when the mother’s life is at stake or she is running the risk of grievous physical injury, we will require two doctors to certify that and will penalize a doctor if he misrepresents or lies about that, I thought, finally, we found a reasonable middle ground. Those who are opposed to virtually all abortion procedures, every procedure, not just this one, will vote for that amendment. Even though we had support of people who are pro-life and pro-choice, they could not support it.

The Supreme Court, across the street, has told us what happens to bills such as the one we are passing today. If you do not include a provision in there to consider the health of the mother, grievous physical injury, for example, if you do not include that provision, then you fail by the Roe v. Wade test.

Do not ask this Senator to stand here and make this statement with no evidence. The Court already mandated that decision in Stenberg v. Carhart. In that case, struck it down, with virtually the same language before the Senate today. They said it lacks any exception for the preservation of the health of the mother. This bill lacks any exception for the preservation of the health of the mother.

Why are we here today? Because some people understand that regenerating this issue on a regular basis is good for some politically. But it is not good for this Nation, not to have closure, not to have some reasonable compromise where we can limit all late-term abortion procedures.

There are some who are opposed to all forms of abortion respect their own principles that bring them to that decision. But for those who believe, as I do, that abortion should be rare and should be safe, that we should limit it to the most extraordinary cases, particularly late-term abortion, we offered an amendment to do that. It was rejected. Instead, we have this bill coming before the Senate, headed to the Supreme Court, which does not include the exception necessary to protect the health of the mother—protect the health of the mother I met, a woman who faced an extraordinary medical emergency.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 10 minutes.

Mr. President and Members of the Senate, on the death certificate there is a space for the cause of death or “Method of Death.” In Baby Hope’s case, the method of death is written in with the word “natural.” Well, that, of course, is simply not true. There is nothing natural about the events that led to the death of this tiny little child. We all know that Baby Hope did not die of natural causes. We cannot nor she we ever forget this tragedy, nor others like it as recounted by medical professionals.

My colleagues may recall the story of Brenda Pratt Shafer, a registered nurse who was assigned to Dr. Haskell’s abortion clinic one morning in the early 1990s. I have told this story on the Senate floor many times.

Nurse Shafer observed Dr. Haskell use the partial-birth abortion procedure to abort that child. In that day, in fact, she testified before our Senate Judiciary Committee in 1995.

I would like to share with my colleagues—and I pray that this time will be the final time we have to tell this story or any other—the exact what the nurse saw and what she testified to in front of the Judiciary Committee.

Nurse Shafer gave very, very, very, very, very thorough testimony. This is what she said. She described the partial-birth abortion she witnessed on a child that was 26 weeks. This is what she said:
The young woman was 18, unmarried, and a little over six months pregnant. She cried the entire three days she was at the abortion clinic. The doctor told us, "I'm afraid she's going to want to see the baby. Try to discourage her from it; we don't like them to see the babies." 

The nurse continues:

Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal.

Then he delivered the baby's body and arms—everything but the head. The doctor kept his head right inside the uterus. The baby's little fingers were clapping unclasping and his little feet were kicking.

The baby was hanging there, and the doctor was holding his neck to keep his head from slipping out. The doctor took a pair of scissors and inserted them into the back of the baby's head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall. The doctor opened up the scissors, stuck a high-powdered suction tube in the opening and sucked the baby's brains out.

The nurse continues:

Now the baby went completely limp. We cut the umbilical cord and delivered the placenta. He threw the baby in a pan along with the placenta and the instruments he had just used. I saw the baby move in the pan.

I asked another nurse and she said it was just reflex. "He's a boy had the most perfect arm I have ever seen in my life. When the mother started coming around, she was crying—"I want to see my baby."

"I want to see my baby,"

So we cleaned him up and put him into a blanket. We put her in a private room and handed her the baby. She held that baby in her arms and when she looked into his face, she started screaming—"Oh my God, what have I done? This is my baby."

Soon we will rest more easily knowing we are very near the end, very near the day when we do not have to retell the story. The young woman was 18, unmarried, and a little over six months pregnant. She cried when they said she had to have the abortion. The PRESIDING OFFICER (Mr. CRAPO). Who yields time?
There isn’t a Democrat on this side of the aisle who wouldn’t have voted for a health exception along with a life exception, and this procedure would be banned. As a matter of fact, we have proposed—and I have written legislation—banning all late-term abortions except for a health exception and a life exception.

We all come here and say we know what Americans want. It is interesting because, of course, we are trying to determine that. Senator Sessions had a poll done in his home state, and I don’t know whether he now no longer want the right to choose. That is what he said. I have a poll that shows everyone in this country believes Roe is a fair balance and should continue. But let me tell you what I think Americans want. Let me tell you what I know Californians want. I don’t speak for every Californian. I couldn’t. There are 35 million of us. But the vast majority of us—and we have had amazing polls on this point—want American women protected. They want children protected. They want privacy protected. They want women respected. They trust women more than they trust Senators. They want us to do the right thing, and they know what the right thing is.

They understand Roe v. Wade took a very difficult decision and explained it in a way that is a balance between all the rights involved.

Here is what Roe v. Wade essentially says: In the first 3 months after pregnancy, a woman has the right to choose and the Government cannot get involved. After that, the Government can get involved. As a matter of fact, after viability, the Government could ban all abortion, which I support, except for the life or health of a woman. I happen to believe that was a Solomon-like decision. It balanced all the concerns. But the most important thing it did is it respected women for the first time.

This was a struggle. Women died. The Senator from Pennsylvania says it was only 85 women a year who died before Roe. We have evidence and we have articles to put in the Record today that will show you we believe the 5,000-a-year figure is more on the mark, because the CDC is only a report to the CDC from States where abortion was legal and in many States abortion was illegal in those years. Thousands of women died.

As I said before, let’s face it, that is what the underlying tension is in the debate, because this particular procedure is done very rarely. What is really at stake here is Roe v. Wade.

How do I know that? I know it because of the language used on the other side over and over again: Killing children, killing children, killing children. My God, as someone who wrote the Violence Against Children Act, I have to hear people talk about the fact that women are out there every day killing children. That is why doctors are out there killing children.

Roe v. Wade is not about killing children. Roe v. Wade is about respecting women to say this is a moral issue. This is a religious issue. This is a family issue. This is a privacy issue. Government should stay out in the early stages. In the later stages, government can in fact legislate.

If you take the rhetoric used in the Chamber today and you extrapolated it in a logical fashion, it means the other side thinks all abortion is murder from the minute of conception. If there is a murder committed, there is a murderer, and you have to say that is the life or health of a woman. We want women in jail. We want doctors in jail. Maybe they even want the death penalty for a woman. I don’t know. I haven’t probed them on it.

That is really what this debate is about. It is about how you take the debate to the American people. The beauty of being pro-choice is you totally respect the woman regardless of her view.

If she is 18 years old, or 17, or 19, and she chooses to have that child, a pro-choice American says: What can we do to help you make it easier? But if she doesn’t and it is something she wants to deal with very early in the pregnancy, then just the same way, we say it is your choice; we respect that choice.

This debate is a very important one, a very historic debate. It is true that this bill has passed several times. We expect it to pass today. But this is the first President who will ever sign a bill outlawing a medically necessary procedure.

Now, I am going to prove it is a medically necessary procedure because I am going to put in the Record a series of letters. First is the ACOG statement, the American College of Obstetricians and Gynecologists. We can play doctor all we want here. These are the folks who are out there birthing our children, out there telling us month after month, as we go back for our checkup when we are pregnant, how important it is to have good nutrition, not to smoke, not to have alcohol, how to protect that fetus and have a healthy baby. These are the people who want healthy babies born. What do they say? They say:

The intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised, and dangerous.

I will repeat that. The obstetricians and gynecologists from all over this country told us that.

The intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised, and—

The last word is powerful—dangerous.

This bill, if it is upheld by the Court—which I don’t believe it will be—is putting women’s lives in danger. Don’t ask me; ask the doctors. The testimony of Anne Davis is clear. She is a physician. She is very eloquent on the point. She even says that the life exception in the bill is very narrow, which is something I agree with, but I hope the Court will look at that. She says this procedure that is about to be banned by this bill may well be the safest procedure for women in certain circumstances. She was very clear in her testimony.

I commend to my colleagues her testimony on March 25, 2003, before the House Subcommittee on the Constitution.

Mr. President, the American Public Health Association writes:

We are opposed to [this bill] because we believe this and other legislative and judicial restrictions to safe, medically accepted abortion procedures severely jeopardize women’s health and well-being.

You are going to hear my colleagues on the other side say: This bill doesn’t hurt women’s health—not a problem, not an issue. This bill doesn’t conflict with Roe. Why? Because they wrote in the findings that this bill has nothing to do with the health of a woman. Please. Give women just a little bit of credit here.

So here is the American Public Health Association clearly telling us why they believe this is a jeopardy to women’s health and their well-being. Then we have the American Medical Women’s Association in a letter they wrote to us. They strongly oppose this ban, and this is what they say, because I think it is a very important thing they say here:

While the Association has high respect for each member and their right to hold what moral, religious and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students dedicated to promoting women’s health and advancing women in medicine, we believe [this bill] is unconscionable.

Doctors are telling us this bill is “dangerous.” These doctors are telling us that this bill puts women’s health “in jeopardy.” Doctors are telling us loudly and clearly that this bill is “unconscionable.” But it is going to be passed and it will get the signature of the President and, if not overturned, it is going to hurt the women of our country.

They go on to say:

Legislative bans for procedures that use recognized [OB/GYN] techniques fail to protect the health and safety of women and their children, nor will it improve the lives of women and families.

I ask unanimous consent to have this letter printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:
American Medical Women's Association, Inc.,

Hon. Jerrold Nadler,
House of Representatives,
Washington, DC.

Dear Congressman Nadler:
The American Medical Women's Association (AMWA) strongly opposes H.R. 760, the "Partial-Birth Abortion Ban Act of 2003." While the Association has high respect for each member and their right to hold whatever moral, religious, and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students currently dedicated to promoting women's health and advancing women in medicine, we believe HR 760 is unconscionable.

AMWA has long been an advocate for women's access to reproductive health care. At such, we recognize this legislation as an attempt to ban a procedure that in some circumstances is the safest and most appropriate alternative available to save the life and health of the woman. Furthermore, this bill violates the privilege of a patient in consultation with her physician to make the most appropriate decision regarding her specific health circumstances.

AMWA opposes legislation such as HR 760 as inappropriate interference in the decision-making relationship between physician and patient. The definition of the bill is too imprecise and it includes non-medical terminology that may ultimately undermine the legality of other techniques in obstetrics and gynecology used in both abortion and non-abortion situations. At times, the use of these techniques is essential to the lives and health of women. The potential of this ban to criminalize certain obstetric and gynecologic techniques ultimately interferes with the quality of health and lives of women. Furthermore, the current ban fails to meet the provisions set forth in the Supreme Court in Stenberg v. Carhart, a ruling that overturned a Nebraska rent ban that failed to meet the provisions set forth in the Supreme Court. The prohibitions of this particular bill written into law will undermine the legality of other techniques in obstetrics and gynecology for a procedure that may ultimately save the life of a woman. It is unethical and dangerous—there is no mention of the term "partial birth" abortion in any medical literature. Physicians are never taught a technique called "partial-birth abortion" and therefore are unable to medically define the procedure. What is described in the legislation, however, could ban all abortions. "What this bill describes—abortion in non-medical terms, can be interpreted as any abortion," stated one of our physician members. "Medicine is an art as much as it is a science; although there is a standard of care, each procedure—and indeed each woman—is different. The wording here could apply to any abortion patient."

The bill's language is too vague to be useful; in fact, it is so vague as to be harmful. It is intentionally unclear and deceptive.

Physicians should not legislate decision-making by doctors.

To do so would violate the sanctity and legality of the physician-patient relationship. To falsify scientific evidence in an attempt to deny women their right is unconscionable.

Physicians for Reproductive Choice and Health tell us: Physicians need to have all medical options available in order to provide the best medical care possible. It is unethical and dangerous—there is no mention of the term "partial birth" abortion in any medical literature. Physicians are never taught a technique called "partial-birth abortion" and cannot even define it, which is one of the things the Court said was too vague a definition. So why do you think my colleagues are banning a technique physicians are not even taught a technique called "partial-birth abortion" and cannot even define it, which is one of the things the Court said was too vague a definition.

AMWA's position on this bill corresponds to the position statement of the organization on abortion and reproductive health services to women and their families.

AMWA believes that the prevention of unintended pregnancies through access to contraception and education is the best way to reduce the abortion rate in the United States. Legislative bans for procedures that use recognized obstetrics and gynecologic techniques fail to prevent the health and safety of women and their children, nor will it improve the lives of women and their families. If you have any questions please contact Meghan Kissell, at 703-838-0500.

Sincerely, Lynne Epstein, MD
President

Mrs. BOXER. Then you have the Physicians for Reproductive Choice and Health. They make a very good point—a point we have made over and over again: There is no mention of the term "partial-birth abortion" in any medical literature. Physicians are never taught a technique called "partial-birth abortion" and cannot even define it, which is one of the things the Court said was too vague a definition. So why do you think my colleagues are ban...
It is important to note that these procedures are used at varying gestational ages. Both D&E and D&X are options for surgical abortion prior to viability. D&E and D&X are used, specifically the uterus, the health of the woman, and the physician's judgment, and the decision regarding which procedure to use is done on a case-by-case basis.

**THE LEGISLATION**

Because this legislation is so vague, it would outlaw D&E and D&X (and arguably any procedure even in the first trimester). Indeed, the Congressional findings—which go into detail, albeit in non-medical terms—do not remotely correlate with the language of the bill. Put another way, the outcome of its passage would undoubtedly be countless deaths and irreparable damage to thousands of women and families. We can safely assert that without D&E and D&X, that is, an enactment of H.R. 760, we will be returning to the days when an unwanted pregnancy led women to death through illegal, home-safety abortions, uncontrollable infections and suicide.

The cadre of physicians who provide abortions should be honored, not vilified. They are heroes to millions of women, offering the opportunity of choice and freedom. We urge you to consider scientific data rather than partisan rhetoric on a far-reaching public health legislation. We strongly oppose legislation intended to ban so-called "partial birth" abortion.

Sincerely,

MEMBER PHYSICIANS.

Mrs. BOXER. Mr. President, I am going to read you the story of Viki Wilson. Viki is a pediatric nurse. She lives in California. Her husband Burt is a doctor and a Presbyterian emergency room physician. The Wilsons were expecting their third child when they received a devastating diagnosis at 36 weeks of pregnancy.

I hope every colleague will listen to this story and, for a moment, think about what they faced. Viki was married to an emergency room physician. They were told after 36 weeks of pregnancy, of looking forward to this baby, that a large portion of the brain was formed outside the skull and that most of the baby's tissue was abnormal. They were told by several physicians, including geneticists and perinatologists that their daughter they named Abigail could never survive outside her mother's womb, and that the so-called healthy baby kicks that Viki had thought for sure she was feeling were, in fact, seizures caused by the pressure as the baby's head had lodged in her pelvis.

This is how you would feel if you were that father, if you were that mother, if you were that grandma, if you were that grandpa, if you were the mother of Viki or the mother-in-law or the father or the father-in-law or you were the brother of Viki or you were the brother-in-law or you were the sister or you were the aunt. They learned this pregnancy was doomed. They learned the baby they wanted so much could never live outside the womb. They learned the risks of this continued pregnancy to Viki, the very severe risks she faced.

They decided this procedure that is being banned today was the safest and best procedure for Viki. They talked about it; they prayed on it; they discussed it with their family; they discussed it among themselves with their physicians. They brought in every specialist one can think about, and they decided this was the best thing for Viki and for her family and for her children she hoped to have in the future.

The Wilsons held a funeral for Abigail, and a playground at their children's Catholic school is named in her honor. And then, very soon after, the Wilson family welcomed a baby son, actually through adoption. Is this the kind of person you want to harm? Is this the kind of woman you want to put at risk? Is this the kind of couple to which you are saying: Sorry, even if your doctors say Viki might have a stroke, Viki might be paralyzed, no can do; we can't help you because Senators playing doctor decided this procedure should no longer be a choice, an option for a woman in a severe and tragic circumstance.

I have to tell you, I have looked inside my heart up and down. I do not understand how we move forward as a society, how we move forward as a country when we do something that can conceivably harm thousands and thousands of women and thousands of families. We could have passed this bill in a nanosecond. Just make a health exception for someone with disabilities. They have disabilities. They are not my concern. The Wilsons are actually through adoption and had a baby whose birth was a very sad day for us that we are banning an abortion. We are treating doctor decided this procedure should no longer be a choice, an option for a woman in a severe and tragic circumstance.

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they were so radical in that conference committee, they kicked out that very simple statement where most Americans agree that Roe v. Wade, making this decision in the early stages of a pregnancy in private—Government stay out of it—was the Senate's view. I thought you are really a good gal, but stay out of my private life. They are right. I don't deserve to be in it.

Senator HARKIN has just come to the Chamber. He is the one who had that amendment which was adopted by this Senate twice, and how proud I was to stand with him. I wonder if it is OK with my colleagues, since Senator HARKIN has arrived, if I give him 10 minutes.

Mr. President, can Senator HARKIN take about 10 minutes? Does the Senator want more time?

Mr. HARKIN. Yes, if I can have a couple of minutes.

Mrs. BOXER. Fifteen minutes, 20? I yield up to 20 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for up to 20 minutes.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARKIN. Mr. President, are we under time constraints on this measure?

The PRESIDING OFFICER. Yes, we are.

Mr. HARKIN. Will the Chair please state for the Senator what the situation is right now in terms of this conference report?

The PRESIDING OFFICER. The Senator from California has 27 1⁄2 minutes. The Senator from Pennsylvania has 37, almost 38 minutes.

Mr. HARKIN. I thank the Presiding Officer.

Mr. President, I wish to take a few minutes to talk about this pending measure. First and foremost, I applaud the Senator from California, Mrs. BOXER, for her unwavering leadership and commitment in protecting a woman's right to privacy and to choose. No one has fought harder and longer, both in the House and in the Senate and in all of their public life, to protect a woman's right to choose than Senator BOXER of California.

Senator BOXER has my highest esteem for all the work she has done to make sure that the women of this country are not controlled by ideology, by one religious belief, or by the actions of a male-dominated Senate and House of Representatives and, I might add, now a male-dominated Supreme Court.

We are going to vote this afternoon on this so-called late-term abortion bill. I have serious questions about whether it will pass constitutional muster. I don't believe it will. So what we are doing is really a political exercise. This is what I call something to go out and get the vote for, by exciting passions, arousing fears, and by trying to state in overblown terms what this is all about.

The bottom line and what it really comes down to is whether or not the health of the mother is a constitutionally protected right of women in this country.

In 1973, the U.S. Supreme Court said similar State legislation was not constitutional because it lacked a health exception. It was not constitutional because there was no protection for the health of the mother. So what does the Senate and the House do? Pass legislation on the strength of a health exception. That is why it is unconstitutional.

I am also very disappointed that the conference stripped from the bill my pro-life amendment about a woman's right to privacy. I had offered, as I had before, a simple statement that it was the sense of the Senate that we supported the Roe v. Wade Supreme Court decision and it should not be overturned. It was attached to this late-term abortion bill which also passed the Senate. The Senator from California said the conference took less than 5 minutes to drop my resolution, without discussion.

Roe v. Wade is the moderate, mainstream policy American women have come to rely on, and it took the conference less than 5 minutes, without discussion, to drop it. That says to me that Congress has turned its back on America's women— their right to privacy, their right to choose. America's women are now second-class citizens.

Let me try to give a brief review of what I am talking about. On January 22, 1973, the U.S. Supreme Court announced its decision in Roe v. Wade, a challenge to a Texas statute that made it a crime to perform an abortion unless the woman's life was at stake. That was the Texas law. The case had been filed by Jane Roe, an unmarried woman who wanted to safely and legally end her pregnancy. Siding with Roe, the Court struck down the Texas law. In its ruling, the Court recognized for the first time the constitutional right to privacy "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

It also set some rules. The Court recognized the right to privacy is not absolute and that a State has a valid interest in safeguarding maternal health, maintaining medical standards, and protecting potential life. A State's interest in "potential life" is not compelling, the Court said, until viability, the point in pregnancy at which there is a reasonable possibility for the sustained survival of the fetus outside of the womb.

A State may but is not required to prohibit abortion after viability, except when it is necessary to protect a woman's life or health.

That is what my resolution was all about, to say we agree that Roe v. Wade was an appropriate decision and should not be overturned.

Before the 1973 landmark ruling of Roe v. Wade, it is estimated that each year 1.2 million women resorted to illegal abortions, despite the known hazards of frightening trips to dangerous locations in strange parts of town, of whiskey as an anesthetic, of "doctors" who were often marginal or unlicensed practitioners, sometimes alcoholic, sometimes abusive, sometimes unlicensed, sometimes without even a license, sometimes performing abortions in unsanitary conditions, incompetent treatment, infection, hemorrhages, disfiguration, and death. By invalidating laws that forced women to resort to back-alley abortions, Roe was directly responsible for saving women's lives.

It is estimated as many as 5,000 women died yearly from illegal abortions before Roe. Only 10 pieces of legislation were introduced in either the House or the Senate before the Roe decision, but in the 30 years since the ruling more than 1,000 separate legislative proposals have been introduced. The majority of these bills have sought to restrict a woman's right to choose.

Unfortunately, what is often lost in the rhetoric and in some of those proposals is the real significance of the Roe decision. The Roe decision recognized the right of women to make their own decisions about their own reproductive health.

The decision whether to bear a child is profoundly private and life altering. As the Roe Court understood, without the right to make autonomous decisions about pregnancy, a woman could not participate freely and equally in society. Roe not only established a woman's reproductive freedom, it was also central to women's continued progress toward full and equal participation in American life.

In the 30 years since Roe, the variety and level of women's achievements have reached a higher level. As the Supreme Court observed recently, "Women have benefited from the ability of women to participate equally in the economic and social life of the Nation, which has been facilitated by their ability to control their reproductive lives.

As I have often said, the freedom to choose on the part of women is no more negotiable than the freedom to speak or the freedom to worship in our Constitution.

I do not believe any abortion is desirable. I do not think anybody does. I have struggled with this issue all my adult life as a father. However, I do not believe it is appropriate to insist my personal views be the law of the land and that I impose those on anyone else. So I urge my colleagues to vote against the final bill, first because it is unconstitutional, but also because by dropping the resolution we adopted saying Roe v. Wade should continue to be the law of the land, it sends the wrong message to American women. What it says is they are not equal to men. They cannot make decisions for themselves. We must make those decisions for them. They do not have the same protections under the Constitution in this bill. Somehow they are second-class citizens.
I say to the women of this country, as I have said before on the floor, they must be concerned about this.

We passed the resolution on Roe v. Wade 52 to 46. Well, that was a win, I guess one might say, for upholding the belief that Roe v. Wade continues to be the law of the land, but 46 Senators basically voted to say Roe v. Wade ought to be overturned, that it should not be the law of the land, that we need to go back in history to prohibit all abortions, regardless.

I say to those who may think this is just one particular procedure that we are somehow prohibiting here—and again I want to point out, as the Senator from California so eloquently pointed out time after time, this is the first time in the history of this Senate that Senators have decided against a medical procedure, the only time we have somehow put on the cloak of knowledge, better than doctors, professionals, and women that somehow we politicians know better.

Aside from that, if my colleagues think this is all this is about, they are sadly mistaken. That is not what this is about. I say to the women of America, this is step one. I say especially to young women, who sort of take it for granted— I mean, Roe v. Wade was 30 years ago, ancient history in the United States of America—especially young women who believe, as they have grown up, having this freedom to choose, having the right to control their own reproductive health, if they think this is something that inures to them because the end of Roe v. Wade, they have another think coming.

There are people who do not want them to have that right. There are people in this Senate who want to turn the clock back and say women have no right to make any decision on their reproductive health. But, then again, isn’t that what we had in Texas before Roe v. Wade? That is what this country was like before that.

The Supreme Court said no, there is something else that has to do with the health of a woman, too, and a woman’s right to control her own body and a woman’s right to privacy.

Again, I see where this is going with 46 votes in the Senate. Just think a couple of votes here or there in the next election, you can kiss Roe v. Wade goodbye, because that is what will happen. And with one or two or justices on the Supreme Court who feel this way, that the end of Roe v. Wade. That will be the end for women who think they have the right to control their own reproductive health in this country—to make their own decisions. That is where this is headed.

In Beijing many Senators have personal feelings about that. Fine. There are Senators who believe very deeply that Roe v. Wade should not be the law of the land, who believe it necessary not only have been decided that way, who believe that women should not have a right over their reproductive health. There are people who believe that.

Fine, if they want to believe that for themselves, that’s their belief structure. But in this pluralistic society in which we live, in which we respect each other’s rights but do not try to impose our own personal religious or moral beliefs on others, the Supreme Court really did it in a legal and I think fair and balanced approach.

Yet there are those who want to strip that away—that no matter what—a woman does not have the right to make her own decisions and the right to privacy. And what does that mean? Well, it will mean we’re going back to the back alley.

This, really, to me is more than just an issue about some narrow procedure, I say to my friend from California. This is about whether or not the women of this country are going to be treated as equals with men or as second-class citizens. I ask the Senator from California, rhetorically, what other times has the Senate said there are certain medical procedures which applied to men that cannot be conducted? What is next? Is there something else coming down the pike we don’t know about? I don’t think it will affect men but it will affect women. It is a holdover from medieval times from the days in which women did not have the right to participate fully in society. That is what this is about more than anything else.

I thank the Senator from California for her leadership, for her wisdom, for her judgment, and for being so stalwart, making sure we know what this battle is about. I think we see the writing on the wall here. It is going to pass. It is going to pass. If the Supreme Court adheres to its previous decisions, it will throw it out because there is no exception for the health of the mother. I guess then there will be a political issue to whip up emotions around the country.

I wish we could take emotions out of this and just talk about it on the basis of what women want. I will close on this. I have often asked, think to yourself, what would happen if we had 100 women sitting here? I mean a cross section of America, liberal, conservative, moderate, different religions, different ethnic backgrounds—just a good cross section of women in America. Do you really think, down deep in your heart, this will be passed before the Senate? No way. No way would this ever pass. Or, if you had a majority of the women in the House of Representatives? Absolutely not.

Women do make up more than half of our society. I forget, how many women Senators do we have now? Mrs. BOXER. Fourteen.

Mr. HARKIN. There are 14 out of 100. So women are drastically underrepresented in the body. They are underrepresented on the Supreme Court.

Women in strides. Fourteen is more than there were when I came here—there were only one or two at the time I came here. They are making strides.

What this says is we are going to turn the clock back. I don’t want to turn the clock back and neither does the Senator from California. We have to make sure women in America have their constitutional right to privacy, just like men. That is what this is really all about.

I thank the Senator. I am proud to be on her side.

I retain the remainder of my time. I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I yield 10 minutes to the chairman of the Judiciary Committee who has done incredible work on this legislation now for a fourth Congress that he has been involved in moving this forward. This moment of accomplishment here would not have happened except for the great work of the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 10 minutes.

Mr. SANTORUM. I ask unanimous consent that following the remarks of the Senator from Utah, the Senator from California be recognized under Senate Boxer’s time for less minutes.

The PRESIDING OFFICER. The Senator should be advised—

Mr. SANTORUM. Mr. President, while I have the floor, let me ask unanimous consent that the vote on adoption of the conference report to accompany S. 3, the partial-birth abortion ban bill, occur at 5 p.m. today, provided that the time between the expiration of the current time allocation and 5 p.m. be equally divided between Senators Santorum and Boxer or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized for 10 minutes.

Mr. HATCH. Mr. President, I rise today because it is difficult for me to understand how anybody could support this barbaric, heinous approach toward abortion. The Senate passed S. 3, the partial-birth abortion ban of 2003, with strong bipartisan support, 64 to 33, back in March of this year. The legislation passed the House in June with similarly strong bipartisan support, 282 to 139. We were then forced to debate the motion to go to conference in September.

We completed the conference in September. Now we are finally able to vote on passage of the conference report. Let’s get on with it. This has taken a long time in this Congress, but it also has taken 7 years to get to this point. Even though the Congress has passed similar legislation before, finally we will be able to send it to President Bush, who will sign it into law.

I know the people of my home State of Utah are going to recognize the importance of this effort. The vast majority of people in Utah and, I believe, in our country, recognize that the practice of partial-birth abortion is immoral, offensive,
and impossible to justify. This procedure is so heinous that even many who consider themselves pro-choice cannot defend it.

Senator Santorum should be applauded for his tireless efforts to achieve this. His leadership has been essential and very much appreciated. I admire his efforts to protect innocent human life, especially here, where it is so graphically obvious this procedure cannot be defended.

By now, we all know that Dr. B. Benoit’s film of the 3-dimensional ultrasound of the baby in utero, yawning and even smiling. This appeared in the Evening Standard in London. It is a picture of an unborn baby smiling inside the womb. It says: “Picture Exclusive, Proof Babies Smile in Womb.” It is truly amazing and enlightening what advancing technology has enabled us to see. This truly is an incredible window into the mother’s womb, where it has to be clear to all who view it that this is a living human being, a living baby.

Yet there are those who want to protect the ability to violently crush this young life. In the case of the procedure we seek to ban with this legislation, it is a procedure called a suction abortion. As the testimony in the-course Exclusive, Proof Babies Smile in Womb—there are those who view it that this is a living human being, a living baby, a living human being with legs dangling and kicking. I honestly do not know how anyone can justify this barbaric procedure. Unfortunately, I was one of those obstetricians and gynecologists who deal with this procedure. I agree, but we need to ensure that the American people understand what is going on. How anyone can justify this barbaric procedure is beyond me. A baby is almost fully delivered with just inches away from being born. Yes, inches away from being born.

For those who may not have a clear understanding of this procedure, let me describe it. This is a little graphic, but we need to ensure that the American people understand what is going on. How anyone can justify this barbaric procedure is beyond me. A baby is fully formed. The only way the baby can be subnormal is through just seconds before this was a full human being, a living human being with legs dangling and kicking. I honestly do not know how anyone can justify this barbaric procedure. Unfortunately, I was one of those obstetricians and gynecologists who deal with this procedure.

I am sure the opponents of this measure will seek to challenge the law in court where I hope good judgment will ultimately prevail.

In Stenberg v. Carhart, the Supreme Court confirmed: . . . by no means must physicians [be granted] unfettered discretion in their selection of abortion method.

Mrs. Feinstein already passed this conference report. It is time for this Congress to finish its work and send this bill to the President for his signature.

Oddly enough, young girls out there, young women, are becoming more and more opposed to abortion. I believe it has been this debate, this barbaric procedure that is the cause for them to think it through and to acknowledge that inside that womb of the mother is a living human being, a living baby, and especially one capable of living outside the mother’s womb.

This is a serious debate. This is as serious a bill as we can have before the Senate. I hope our colleagues will vote overwhelmingly to pass the conference report as we simply have to get rid of this barbaric and inhumane procedure.

I yield the floor. The PRESIDING OFFICIAL. The Senator from California.

Mrs. Feinstein. Mr. President, I yield myself 20 minutes. The PRESIDING OFFICIAL. Without objection, it is so ordered.

Mrs. Feinstein. I rise in opposition to the conference report accompanying S. 3 which some, I think inaccurately, call the partial-birth abortion bill. In fact, this bill, originally introduced by Senator Santorum, is more accurately called the unconstitutional anti-choice bill, given the fact that it is flagrantly unconstitutional and its primary result will be to chill second-trimester abortion procedures.

I voted against this conference report in the recent House-Senate conference on this bill and also on the floor of the Senate last March. This is the first bill since Roe v. Wade in 1973 that outlaws safe medical procedures and recriminalizes abortion. It is a major step forward in the march to obliterate a woman’s right to control her own reproductive system and to eviscerate the entire choice movement in this country.

This bill is unconstitutional. I believe, for two reasons, it is unconstitutional. It uses a vague definition of dilation and extraction abortion, or D&E abortion. This technique is also called intact dilation and evacuation, or intact D&E. It is also sometimes called, inaccurately, partial-birth abortion.

The sponsors of the bill have refused to use a definition of D&E that I suggested and that tracks the medical definition submitted by the American College of Obstetricians and Gynecologists. Why? Why would they refuse to use a definition suggested by the elite medical group of obstetricians and gynecologists who deal with this issue—a definition that would enable those obstetricians and gynecologists to know exactly what this legislation makes a crime?

I believe there is a reason. I believe that this bill deliberately uses a vague definition of D&E in order to affect other kinds of second-trimester abortions and thus impact the right to choose. Because its definition is so loose, the bill would ban and otherwise interfere with perfectly legal, permissible abortion techniques. It will also have a chilling effect on doctors, who will be afraid to perform abortions other than D&E for fear they will be subject to investigation and prosecution. Why? Because the bill does not use an accepted medical definition of D&E.

Second, the bill lacks any health exception. This has been spoken about before, and I will do it again. The Supreme Court ruled in Stenberg v. Carhart that any ban must have a health exception. This bill has no health exception. Why are we opposing to pass a bill that is so clearly unconstitutional?

The only reason I can think of is the proponents of the bill do not believe the health of a mother is sufficient reason to interrupt a pregnancy.

In fact, the supporters of the bill are not trying to remedy its constitutional defects. Rather, they are just making minor or alterations to the findings in the bill.

I also oppose the bill because it omits language a majority of the Senate added last March recognizing the importance of Roe v. Wade and stating that the important opinion should not be overturned.

Unfortunately, as has been said, this language was stripped out in conference over the strenuous opposition of Senator Boxer, Congressman Nadler, Congresswoman Lofgren, and myself.

As an initial matter, I want to lay one myth to rest; that is the myth that
most Americans support this bill. Supporters of the bill have repeatedly and erroneously argued that a majority of the country supports banning D&X abortion.

For example, in introducing this bill, Senator Santorum stated on the Senate floor that “the American people clearly believe this is a procedure that should be prohibited.” However, such statements are not borne out by recent polls. For example, last July, ABC News released a nationwide poll which showed 61 percent of Americans oppose bans on so-called partial-birth abortion procedures if a woman’s health is threatened. The bill now before us contains no health exception. That means a substantial majority of Americans think this bill is wrong.

I also want to mention a poll taken by Greenberg, Quinlan, Rosner Research, Inc. between June 5, 2003, and June 12, 2003, of 1,200 likely voters. The poll found a majority of Americans—56 percent—believe abortion should be legal in all or most cases.

In addition, this poll found the country does not want the Government involved in a woman’s private medical decisions. Eighty percent of voters believe abortion is a decision that should be made between a woman and her doctor. In fact, even a majority of those who identified themselves as pro-life said a woman and her doctor should make the decision.

In stark contrast, this bill criminalizes safe abortion procedures, and it puts the abortion decision in the hands of the Government and in the hands of politicians, not the woman and her doctor.

I would now like to mention Randall Terry, the founder of Operation Rescue, and the man who the New York Times called “an ‘icon’ of the pro-life movement.” Mr. Terry is one of the staunchest foes of the right to choose in the entire Nation. He is known for harboring views so strong on the abortion issue that he has been jailed dozens of times for blocking clinics and for having a human fetus delivered to former President Bill Clinton. He is also known for speaking his mind.

Let me read some quotes from Mr. Terry in a press release issued through the Christian Communication Network, dated just a month ago, September 15, 2003. This press release is entitled: “Randall Terry, Founder of Operation Rescue Says: ‘Partial-Birth Abortion Ban is a Political Scam. But a Public Relations Goldmine.’”

Let me repeat that: “Partial-Birth Abortion is a Political Scam. But a Public Relations Goldmine.”

Mr. Terry says the bill before us is a “Political Scam.” Specifically, he states:

That is not me. I am quoting Randall Terry, the founder of Operation Rescue. Let me repeat: “This bill, if it becomes law, may not save one child’s life. The Federal courts are likely to strike it down. . . .” And he is right.

Mr. Terry then goes on to say: “If the President and Congress want to accomplish a small, but real, step they should outlaw all abortions after 20 weeks—the age when a baby can live outside the womb.” Interestingly enough, his suggestion is similar to an amendment I offered on the floor of the Senate and in the joint House-Senate conference on this bill. This amendment would have banned all postviability abortions except and unless a doctor determines such an abortion is necessary to protect the life and health of the woman.

This is the way to go. If someone truly believes these abortions, which are not medically defined in the bill, should not take place, and if one believes the child is capable of life, then ban postviability abortions. I was prepared to see that enacted into law. But it was voted down twice, on the floor and in the conference committee.

I would like to point out in detail why I think this bill is poorly drafted and is virtually certain to be struck down by the courts.

The conference report bill is unconstitutional for two reasons.

First, it attempts to ban the specific medical procedure it calls “partial-birth abortion,” but it fails to use the accepted medical definition of what surgical procedure constitutes partial-birth abortion. The refusal of the sponsors of the bill to accept the medical definition of intact D&E is revealing. It makes it clear they are not really interested in banning intact D&E or D&X, but, rather, they seek to muddy the waters to make it harder for women to make informed decisions about other legal and acceptable techniques.

That, in my view, is the underlying purpose of the bill.

The Supreme Court ruled in Stenberg v. Carhart that any ban must have a health exception. This bill clearly, despite many attempts by this senator and others to put one in, has no health exception. The other side has repeatedly opposed a health exception.

Here is what Justice O’Connor said in her deciding opinion in Stenberg v. Carhart:

Because even a post-viability proscription of abortion would be invalid absent a health exception, Nebraska’s ban on pre-viability abortion makes it clear . . . that the Supreme Court’s constitutional determination in Carhart that a health exception is necessary.

The Framers of the Constitution did not intend that Congress can simply ignore a constitutional holding by the Supreme Court and institute a contrary legislative finding and telling the Court that they have to defer to it. That is just what is being done here.

Let me quote Chief Justice Burger on this point:

A legislative appropriation inquires into and may declare the reasons impelling legislative action but the judicial function commands analysis of whether the specific conduct charged falls within the reach of the statute and if so whether the legislation is consonant with the Constitution.

So make no mistake about it. You can say anything you want in the findings, and it isn’t going to be dispositive
as to whether the statute meets the test of the Constitution of the United States.

I also want to quote from U.S. v. Morrison, 529 U.S. 598 (2000), a decision that struck down part of the Violence Against Women Act. I personally disagree with this decision, but it is controlling law. In that case, the Supreme Court held that "the existence of congressional findings is not sufficient, by itself, to sustain the constitutionality of the challenged provision of the Violence Against Women Act. That is on page 614.

So why are these findings in the bill? I believe the other side is well aware of U.S. v. Morrison and other cases. Why are they doing it this way then? There has to be a reason.

Here the sponsors of S. 3 are trying to do exactly what the Supreme Court said the Congress cannot do: Use congressional findings to do something that is clearly unconstitutional. The sponsors are effectively trying to overturn binding Supreme Court precedent and rewrite the Constitution by enacting a bill that on its face violates Stenberg v. Carhart. They have clearly overstepped their bounds.

Mr. President, one of the most disappointing aspects of this debate is that a majority of the House-Senate conference on this bill decided to thwart the will of the Senate and strip out language recognizing the importance of Roe v. Wade. This decision clearly unmasked the sponsor's clear intention in introducing this bill: to strike at Roe. The provision stripped out of the bill was a simple sense-of-the-Senate resolution. Let me read its exact language:

One, the decision of the Supreme Court in Roe v. Wade, 410 U.S. 113, 1973, was appropriate and secures an important constitutional right. Two, such decision should not be overturned. They struck this language out. Why? Because they want Roe overturned. That is the reason.

I am pleased that the Roe v. Wade amendment was added to the bill last March on a bipartisan vote of 52 to 46. Unfortunately, the House-passed late-term abortion bill lacked the language. The House refused to agree to it.

While I oppose the criminalization of safe abortion techniques in S. 3, I strongly support the Roe v. Wade language we added to that legislation.

The PRESIDING OFFICER (Mr. Chafee). The Senator has used 20 minutes.

Mrs. BOXER. Mr. President, I yield 4 additional minutes and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from California.

In 2003, 32 years since the Supreme Court upheld a woman's right to choose, a great deal has changed for women in America. But now, in 2003, we are about to push women back to where they were in the 1950s, a generation that I remember well, a generation of passing the plate to raise money for abortions in Mexico, a generation of back alley abortions, a generation of tremendous mortality and morbidity for women, a generation of fear. It is simply unacceptable.

The fact that a majority of the House-Senate conference stripped out sense-of-the-Senate language that merely summarized Federal abortion law should be exhibit A for anyone who wants to understand any frontal political attack on choice in America. I am also disappointed that the conference refused to accept a commonsense amendment I offered to the bill before us today. That amendment, as said, would have banned all postviable abortions except if determined by the doctor that such an abortion was necessary to protect the life and health of the woman.

With that amendment, the sponsors of this bill have written what they wanted legally. Why didn't they take it? The reason they didn't take it is because if you have an anti-choice bill with a nebulous, vague definition, you can chill all legal second trimester abortions.

Let me tell you one more thing about this amendment I offered. To ensure compliance with the amendment, we even provided that a doctor who would perform a postviable abortion on a woman whose health or life is not at risk would be fined up to $100,000. That amendment would have put medical decisions back into the hands of doctors but, at the same time, prevented abuses. My view, if a doctor believes such a procedure is necessary to protect a woman's life or health, then he or she should be able to perform that procedure.

Why do some Senators believe that the Federal Government even needs to be involved? Why is this legislation even necessary? Roe v. Wade clearly allows States to ban all postviable abortions unless it is necessary to protect a woman's life or health, and 41 States already have bans on the books. All States are free today to do so if their State legislatures so choose.

The fact is, abortions this late in the pregnancy are rare and usually performed under tragic circumstances, such as a threat to the life of the child, a skull or vital inner workings outside of the body that cannot be connected.

Mr. President, the whole focus of this Congress and in the conservative movement has been to give power and control back to the States and eliminate the Federal Government from people's lives. So anyone who believes in States' rights must now question the logic of imposing a new Federal regulation on States in a case such as this, especially when the Federal government has no authority to ban postviable abortions and where a dominant majority of States—41—have already enacted such a law.

Is Federal legislation really necessary? No. I say to my colleagues that this clearly is a political bill designed to fan the flames and invade Roe v. Wade and weaken it substantially. It attempts to ban a medical procedure without properly identifying that procedure in medical terms.

Mr. President, I ask unanimous consent that a number of letters demonstrating that this legislation poses a serious threat to women's health be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:


U.S. SENATE, Washington, DC.
Dear Senator Feinstein: We are writing on behalf of thousands of health care providers to urge you and your colleagues to oppose federal legislation criminalizing safe abortion procedures (S. 3, the so-called "Partial Birth Abortion Ban Act of 2003").

This bill is deceptive, is based on a number of flawed assumptions, and is unnecessary. First, "partial-birth abortion" is not a medical term but a non-scientific and politically biased rhetorical expression invented by activists to convey misrepresentations about safe and medically necessary abortion procedures. The term "partial-birth abortion" is not used by any of the major national medical organizations, including the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Public Health Association, and the Association of Reproductive Health Professionals (ARHP).

Second, the bill is deceptive because it does not specify any particular stage of pregnancy—contrary to assurances by its sponsors that the bill's intent is to focus only on third trimester abortions.

Finally, abortions during the third-term are already illegal in almost every state except to save the woman's life or health, and are rarely performed. This legislation is unnecessary and is an example of political ideologues trumping science and appropriate medical decision-making.

Published literature attests to the fact that placing restrictions on abortion services is harmful to the health of women. S. 3, the "Partial Birth Abortion Ban Act of 2003," is a thinly veiled attempt to ban all legal second trimester abortions. This bill would have an adverse impact on care providers. ARHP is concerned because restrictions imposed by the government on abortion services will not reduce the need for abortion. If anything, the legislation will make safe abortion care more difficult. Restrictions imposed by the government on abortion services will not reduce the need for abortion. If anything, the legislation will make safe abortion care more difficult. Restrictions imposed by the government on abortion services will not reduce the need for abortion. If anything, the legislation will make safe abortion care more difficult. Restrictions imposed by the government on abortion services will not reduce the need for abortion. If anything, the legislation will make safe abortion care more difficult.

We urge you to vote against this ill-conceived bill.

Sincerely,

Felicia H. Stewart, MD
Chair, ARHP Board of Directors
Wayne C. Shields
President and CEO

October 17, 2003.

U.S. SENATE,
Washington, DC.

Dear Senator Feinstein: The National Latina Institute for Reproductive Health (NLIRH) strongly opposes S. 3, the "Partial Birth Abortion Ban Act of 2003." As an organization that is dedicated to ensuring the

...
fundamental human right to reproductive health care for Latinas, their families, and their communities, we cannot support the proposed legislation which would drastically inhibit a woman's right to choose, as it prohibits medically safe procedures which are often necessary to protect and save the life of the woman.

NLRH supports the right of every Latina to be in charge of her own life, to determine if and when to have children, and, to seek the full range of reproductive health options available. These health options include access to quality gynecological care, family planning and contraception, fertility treatment, and all abortion services. Contrary to popular belief, Latinas do access abortion services, and 51% of Latinas actively identify as pro-choice. While abortion may not be an option for every Latina to make her own personal and private decision about abortion and we also support efforts to restore public funding for abortion. For Latinas, accessing abortion services is often difficult already, due to cultural, linguistic, legal, and economic barriers, and banning safe abortion procedures would only further impede upon our rights to choose what is medically and personally appropriate for us.

Restricting and criminalizing any abortion procedure would undermine the fundamental human right to self-determination, and would endanger the lives of women for whom abortion may be medically necessary. Decisions regarding when to have children are often difficult, personal, and morally complicated, and should be made only by the woman.

We appreciate your attention to our concerns, and strongly urge you to vote against the so-called "Partial-Birth Abortion Ban of 2003."

Sincerely,

ANGEL M. FOSTER, D.P.H., President.


DEAR SENATOR: On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF) to urge you to oppose Conference Report H. Rept. 108-288, the so-called Partial Birth Abortion Act of 2003 (the Act). MALDEF, a national non-profit organization whose mission is to protect and promote the civil rights of the over 35 million Latinos living in the United States, believes this legislation is unconstitutional and harmful to women's health.

The Act is unconstitutional for at least three reasons. First, the legislation does not include a health exception. The Supreme Court has held that laws regulating abortion must adequately safeguard a woman's health. This legislation does not include such an exception. Contrary to the legislative findings indicating that a health exception to the ban is never necessary, many medical professionals state that this legislation would prevent them from performing procedures that are necessary to protect a woman's health. Second, the legislation is unconstitutional because the language of the ban is overly broad. The ban is not limited to specific medical procedures and actually could prohibit the safest abortion techniques in certain cases, thereby unduly burdening a woman's right to choose. Finally, determining which procedure is medically necessary is a medical decision that should be made by a physician and his or her patient, not by the federal government. The Supreme Court has emphasized the need for physicians to have adequate discretion to make these types of complex medical decisions.

The Supreme Court directly addressed this type of ban in Stenberg v. Carhart, 530 U.S. 914 (2000). Stenberg and Carhart originate in Nebraska's ban on so-called partial birth abortion unconstitutional because the legislation's language was overly broad and it lacked a health exception. The Nebraska Act is the same type of ban now pending before you contains the same flaws and is similarly unconstitutional.

This legislation is an unprecedented attempt by the federal government to restrict women's access to abortion that ultimately jeopardizes the health of women. MALDEF strongly opposes this legislation and urges you to vote against it. If you have any questions please contact Angela Hooton at (202) 293-2838.

Sincerely,

ANTONIA HERNÁNDEZ, President and General Counsel.

DEAR SENATOR FEINSTEIN: On behalf of the National Latinas’ Health Project (NLIRH), I am writing to convey our opposition to H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

As the only national organization that is solely dedicated to the health of the nation’s 19 million Black women and girls, the Black Women’s Health Imperative (the Imperative), has focused on issues that disproportionately affect Black women from access to healthcare, inclusive of reproductive health care. The Imperative has been in the forefront advocating for a comprehensive agenda that includes the full range of medical and socially available technologies and services for fertility management. We believe that H.R. 760 would restrict safe, medically acceptable abortion procedures that would severely endanger women's health and well-being disproportionately affecting low-income African American women. Moreover, we feel that this legislation fails to include adequate health exceptions language in instances where certain procedures may be determined by a physician to be the most appropriate to preserve the health of the woman.

In the past 20 years, the Black Women's Health Imperative has been instrumental in highlighting disparities in health and will continue to play an essential role in helping to shape policies that seek to improve African American women's overall health. On behalf of our constituency, we urge the United States Senate to reject this legislation.
S12940

CONGRESSIONAL RECORD — SENATE

October 21, 2003

States Senate to oppose H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

Sincerely, [Lorraine Cole, Ph.D.]

[From Medscape General Medicine, J une 25, 2003]

THE FEDERAL BAN ON SO-CALLED ‘PARTIAL-BIRTH’ ABORTION: A DANGEROUS INTRUSION INTO MEDICAL PRACTICE

(By Paul D. Blumenthal, MD, MPH)

Congress has passed the “Partial-Birth Abortion Ban Act of 2003,” the first federal legislation that banned abortion procedures. This unprecedented intrusion by Congress into medical practice will reduce access to abortion, undermine the ability of doctors to perform and be held accountable for their actions, and deny women the right to select the reproductive healthcare most appropriate for her and interfering with a physician’s ability to make medical decisions, Congress derogates the physician-patient relationship.

Proponents of this law claim that it bans only a particular procedure. However, the legislation does not define what is being banned in such a way that a physician can know what is prohibited. This non-formally recognized medical procedure to which the term “partial-birth abortion” is defined in this legislation applies, it is therefore vague and medically incorrect. None of my colleagues know or could state whether the abortion procedures they now perform are covered. Indeed, as to the definition of the banned procedures, any of the safest, most common abortion methods used throughout the second trimester of pregnancy could be caught in such a manner as to be outlawed. One can only assume that by intimidating medical providers with the constant threat of criminal accusations, the intent of the Supreme Court, or any other group, is to frighten the medical community—the same community that swears an ancient oath to use its knowledge and words such as that.

Mr. President, I have listened to this debate on both sides, and I continue to hear a lot of the same things. I just think it is important to set the record straight with respect to what many have heard today.

First, the Senator from California, Mrs. BOXER, has objected to my using the term “killing” the child when describing the diagrams of the partial-birth abortion. So I wanted to make sure I was not using terms that were inflammatory or inaccurate. She said I was referring to the fetus as a child instead of the fetus. I looked up the definition of fetus: “An unborn child.” So I don’t think referring to a fetus as a child is incorrect when the definition of a fetus is “an unborn child, from the third month until birth.” This child is obviously in excess of 3 months into gestation, so it is obvious I am using a correct term.

She objected to me using the term “killing.” I will quote some people in the abortion movement to justify my using of this term. This is from Faye Wattleton, former president of Planned Parenthood:

I think we have deluded ourselves into believing that people don’t know that abortion is killing. Such a pretense that abortion is not killing is a signal of our ambivalence, a signal that we don’t admit, yes, it kills the fetus, but it is a woman’s body and ultimately her choice.

So say even those in the abortion movement.

Judy Arcana, a pro-choice author and educator, said:

Sometimes a woman has to decide to kill her baby. That is what abortion is.

I understand how people want to avoid talking about the baby, the child, the fetus, or whatever term you feel most comfortable using. It is what it is. It is a human being. I understand we like to use terms that don’t refer to the human being. In fact, in all the debate we have heard today on the other side, and I talk about the woman and the right to choose. We hear very little discussion about what the choice is all about. I know most Americans like choices and they like the right to choose. But I think it is important that people know what the choice is all about, what we are choosing.

What we are choosing here is to kill a human being. Yet many on the other side just don’t want to consider what is being done here. What many on the other side like to think is that we are choosing a medical procedure. The Senator from New Jersey earlier referred to it being similar to the removal of a cancerous intestine. Maybe some people look at this sort of cancer and think of this thing that they don’t want anymore, that somehow affects them in some way. But I think it is important for us, if we are going to make decisions that impact millions of lives, to face the facts of what we are doing and that we don’t try to couch it in terms that sound nice, that sound American—words such as “freedom” and “choice” and words such as that.

I have a hard time grappling with this argument in the alternative. First you have to make sense of the fact that she goes on and says this thing that doesn’t exist—she claims it doesn’t exist—is medically necessary at times. I find interesting arguments that don’t seem to hold up upon closer examination.

Another thing that doesn’t hold up under examination is the repeated attempt by those who oppose this legislation to mislead the public as to what it does. I am not only going to go through the most recent example of this, but the chronology of events around this legislation, which started with Charles Canady in the House of Representatives and Bob Smith in the Senate, who did an excellent job.

I remember when Bob first came to the Senate floor. He was ridiculed as being this extreme person who would bring this medical procedure to the floor and make some outrageous thing for a Senator to do. He had the courage to stand up for his convictions and follow through. But I remember at hearings, they were saying this procedure
didn't exist, first, and, second, the an
esthesia given to the mother would kill
the baby, and that this was only done
on mothers who were in a position
where the baby was badly deformed or
the mother's health was in danger, and
it was only done a few dozen times a
year.

Every one of those things I have
mentioned has been debunked. They
are simply not true. Yet here we are
just days away from passing this bill
again in the Senate for the third time,
but the fourth time we have debated
and we see a statement by Planned
Parenthood last month that says:

S. 3 is a bill to outlaw the medical proce-
dure used primarily in emergency abor-
tions.

"Primarily in emergency abortions."

Let me, again, without reading the
comment below, state this is a 3-day
procedure. This is a procedure where
the woman presents herself to the
abortionist, and I say abortionist be-
cause this procedure is only done in
abortion clinics. It is not done in hos-
pitals, as this organization that Sen-
ator Feinstein has cited for the RECORD
didn't teach this procedure in medical
school. It was designed by
an abortionist for the convenience of
the abortionist.

She presents herself to an abortionist
who gives her something to help dilate
her cervix and tells her to return 2
days later.

Can you possibly imagine someone in
an emergency situation presenting
herself to a health care profes-
sional who is in an emergency situa-
tion because of her pregnancy, who is
given something to dilate her cervix
and sent home for 2 days?

On the face of it, it makes no sense.
But yet they persist in spite of the fact
that Ron Fitzsimmons, the executive
director of the National Coalition of
Abortion Providers, is quoted in the
New York Times on February 26, 1997—
1997, not February 26, 2003, 2002—6½
years ago:

Mr. Fitzsimmons recalled the night in No-
very 1995, he appeared on "Nightline" on ABC and "lied through my
tears" when he said the procedure was used
rarely and only on women whose lives were
in danger or whose fetuses were damaged.

"Lied through my tears" in 1995, he
said, on "Nightline." But in 1997, he
came clean. He said:

In the vast majority of cases, the proce-
dure is performed on a healthy mother with
a healthy fetus that is 20 weeks of age or
along, Mr. Fitzsimmons said. The abortion
rights folks know it, the antiabortion folks
know it, and so probably does everyone else.
said he said in the article in the Medical News, an
American Medical Association publication.

They knew it. In 1997, they knew
this. A month ago they were still say-
ing it.

I don't mind having a good honest de-
bate, and the Senator from California,
Mrs. FEINSTEIN, brought up legitimate
legal issues, a proper, good debate, but
when the organization that is prin-
cipally behind the stopping of this bill
a month before this bill gets presented
continues to try to misinform the
American public, I think you have to
ask yourself a question as to the credi-
bility of that organization and the credi-
bility of their case.

There are a couple other comments
that we may have to set the record straight. The Senator from
California, Mrs. BOXER, said this abor-
tion procedure needs to remain legal
out of respect for women and "because
it gives the fetus dignity."

Anyone who looks at this abortion
procedure and suggests that pulling a
child feet first through the birth canal
at 20 weeks of gestation, who otherwise
would have been born alive, and have a
pair of scissors thrust in the base of
their skull and have their brains
suctioned out is an act of dignity I
think has to rethink what the word
"dignity" means. To treat any human
being, to treat any living thing in that
fashion is insulting to that life. It cer-
tainly is not an act that I would call a
dignified act that shows respect
for that child.

A lot has been made by both Sen-
ators from California and others about
the need for a health exception. This
gets in to this meat of this debate with
respect to Roe v. Wade. The Supreme
Court did state that there were two
reasons for the Nebraska law on par-
tial-birth abortion to be overturned.
One was that it did not have a health
exception that was required by Roe v.
Wade.

Step back and think about this de-
bate in a larger context. I don't think
most Americans, if I can put up the
last chart of the diagram of the proce-
dure—I don't think most Americans
contemplate that Roe v. Wade covers
 abortions done late in pregnancy by
healthy mothers with healthy babies
who would otherwise be born alive
being treated in such a brutal and bar-
baric fashion. I don't think most Amer-
icans see the scope of Roe v. Wade as
including that type of abortion but it
does.

That is really the wake-up call for
America here: That Roe v. Wade is not
what they claim it to be. If it is later
in pregnancy, it is mothers who have
health issues or the child has health
issues. No, that is not what we are
talking about here. We are talking
about there needs to be a health excep-
tion, according to this court, for a pro-
cedure that is necessary for healthy
mothers with healthy babies
in a brutal fashion such as this. I
don't think most Americans would
have said: Gee, we need a health excep-
tion here or Roe v. Wade covers
this issue. For every 1 letter, we have
6 letters from maternal fetal medicine
specialists—they exist in high-risk
pregnancies—perinatologists
who say not only aren't those cases
good cases but they are contra-
indicated.

It is bad medicine. So we do not
really have any uncontroversial case
where it is medically necessary. I think
that is important for the Court to con-
sider. I think it is also important for
the Court to consider that the Con-
gress, which has had multiple hearings
of fact, unlike the Court, was able to
make a determination and have a vote
overwhelmingly in both the House and
Senate that these facts are as we say
they are. I believe we have a right as a
body to make that determination.

We hope, just as we listen to the
Court in matters of law because that
is their responsibility, that as finders of
fact they would listen to what we come
up with. I know many on the Court
think it is a one-way street. They just
tell us what they think and we have to
do whatever they tell us and we have
no input into what the Court decision
is. That is not the way our Framers en-
visioned it. I found it sort of humorous
that the Senator from California said
the Framers did not envision the Con-
gress amending the Constitution by
legislative findings. I will assure the
Senator from California that our Fram-
ers did not envision the Supreme
Court amending the Constitution by
legislative fiat but they do. Roe v. Wade is
a case in point.

So there are lots of things our Fram-
ers did not envision, I say the most
tually unhealthy for the woman and it is never medically necessary.

Before I move on to the next topic, I want to go through some of the health risks as outlined—we have a series of letters which I will submit for the Record—that partial-birth abortion poses serious health risks for women.

First, as I mentioned before, the physician has to dilate the cervix a couple of days before the abortion is performed, creating a risk, according to several physicians, to an incompetent cervix, a leading cause of future premature deliveries or infection, and is the main cause of subsequent infertility.

As we can see, the baby is brought in feet first through the birth canal. When they reach in to pull the baby out of the uterus—reaching into the uterus to pull the baby’s feet through the cervix is a dangerous procedure, risking the tearing of the uterus. It poses an increased risk of uterine rupture, abruption, amniotic fluid embolus and trauma to the uterus as a result of converting the child into a footing position.' The physician’s legs could perforate the uterus, which could result in severe hemorrhage and possibly a hysterectomy. Then the procedure that follows where the Metzenbaum scissors are placed in the base of the baby’s skull to kill the baby and puncture the baby’s skull, putting the scissors into the baby’s brain is a partially blind procedure. As we can see, the physician has no way of seeing where those scissors are entering the baby or if they are even entering the baby. This blind procedure with a sharp instrument may expose the uterus to sharp bone shards, bone shards from the baby’s skull upon the puncture. They may lacerate different parts of the woman’s body and cause hemorhaging and could necessitate a hysterectomy to save the mother’s life. This is not a riskless procedure. This is a risky procedure.

I reiterate this is not taught in medical schools. There are no peer review journals published that suggest this is a superior way, much less an appropriate way, to deal with an abortion. There are no studies that have been done, that are controlled in nature, to show that this is a proper procedure. This is a rogue procedure. It is medically unhealthy and it is medically unnecessary.

Both Senators from California talked about their recollection of the pre-Roe v. Wade days. The Senator from California, Mrs. BOXER, suggested the debate we had a month ago with respect to the number of maternal deaths as a result of abortion. The Senator from California continued to indicate there were 5,000 maternal deaths per year as a result of abortion not being legal everywhere in the United States.

I entered information in the Record from the Bureau of Vital Statistics, including more recently the Centers for Disease Control, suggesting at the time of 1972, prior to the decision being made, there were 83 maternal deaths. Why? Because medicine improved. Antibiotics, first and foremost, is probably the principal reason, because of infection, but there were a whole variety of other reasons. The improvement of medical science is why those numbers continued to decrease. So the idea that somehow or another there were thousands of women dying prior to Roe v. Wade is just not backed up by the facts.

We have an obligation; as much as we would like to paint a picture for the eyes particularly of young people who didn’t live then, as much as we would like to paint this picture to young people, we cannot do that. We cannot deal with the fact that was not the case with respect to the amount of maternal deaths.

There may be other factors that you consider and you are welcome to make the arguments about how people felt at the time. That is fine. But you cannot play with the facts to present a case that is not true.

I want to quote Bernard Nathanson who was, at the time of 1972, an abortionist. He says:

How many deaths were we talking about when abortion was illegal? In N.A.R.A.L.—A group he helped found, the National Abortion Rights Action League—we generally emphasized the drama of the individual case, not the mass statistics, but when we spoke of the latter it was always “5,000 to 10,000 deaths a year.” I confess that I knew the figures were totally fictitious, and I suppose the others did too, if they stopped to think about it. But in the “morality” of our revolution, it was a useful figure, widely accepted, to why go out of our way to correct it with honest statistics?

This is a very serious issue. I would argue it is the greatest moral issue of
our time. I think we have an obligation to use honest statistics, at least honest statistics—honest statistics, honest cases. The Senator from California brought up the case of Vicki Wilson, as she has repeatedly throughout this debate. In fact, just a few years ago the Senator from California, as I recall, said that Vicki Wilson needed a partial-birth abortion because of a medical condition she and the baby had. Let me quote from Vicki Wilson's own testimony to Congress.

My daughter died with dignity inside my womb, for which the baby's body was delivered head first.

Not feet first. Vicki Wilson did not have a partial-birth abortion. Yet it is a case that is continually used here to justify a partial-birth abortion being kept legal.

The case was also made she needed to have one done. Quoting Vicki Wilson:

I knew I could go ahead and carry the baby until full term but knowing, you know, that this was futile, you know, that she was going to die, people thought I should let her live but more in control of her life and my life.

Vicki Wilson did not have a medical emergency or a health need, from the standpoint that most people would consider to be a health need, which is physical health.

I caution, when people listen to this debate, that they listen to the debate of what is real, what the facts are, and what the profound consequences are. The fundamental question in my mind is that the consequences of this debate are the most profound consequences we face as a country and more specifically as a culture as to who we are. Because ultimately what this is about, banning this procedure, is about who we are going to love, who we are going to nurture, who we are going to support.

Today in the Senate we have a chance to say in some very small way—and I admit, I will agree with the Senators from California and others that this will do very little to limit the number of abortions. I agree with that. But in some small way we are acknowledging this little child, this little child is a member of our family.

The Senator from Iowa, Senator HARKIN, who is also the Chairman of California, Senator FEINSTEIN, talked at length about the striking of the Roe v. Wade language from this bill that passed the Senate. The language stated Roe v. Wade was the law of the land and should continue to be the law of the land. It passed by a couple of votes here in the Senate.

I think many of us found that to be somewhat in contrast with the underpinning we listened to in the sense that this was a very small tip of the hat, recognition of the humanity of this child, we were not going to treat this child in this grotesque fashion. That is all.

It doesn't say that child couldn't be killed in some other fashion that was medically safer for the woman. But it says when it comes to delivering a child and having that child just inches away from being born, we were not going to go that far. This, really, was too close. So we gave a small nod, a small nod to the humanity of that child in the process of being born.

So many of us thought, sort of re-stating this sense of the Senate about the privity of Roe v. Wade was an insult. And I would argue, 'outside of Roe v. Wade. Unnecessary, is what it is.' Roe v. Wade is, according to the Court, how they will decide abortion cases.

I vehemently disagree with them and I will continue to fight on this floor and anywhere else I can to make sure that law, that Court decision taking the decision away from the American public—which is where it was prior to Roe v. Wade—taking the decision of what is right away from the American public is returned to the people.

We just saw an election in California where the people rose up and said they wanted to take back control of their State. We don't have such a process here. The Court is insulated from the public rising up and saying no, we don't like your decision—or even from the Congress. It takes a huge amount of effort. It is a very difficult process to amend the Constitution. The two Houses of Congress by a constitutional majority, 67 percent; plus get three-quarters of the States to ratify a constitutional amendment. Yet this Court by a whim can amend the Constitution with five votes, and did so. They amended the Constitution like that.

I don't think that is the way the Framers wanted it. I think they set forth a constitutional amendment process because that is the way they wanted to create new rights or change the Constitution, not to allow the Court to do it.

I have likened the Roe v. Wade decision—I was fortunate enough Sunday to be in St. Louis, MO and had the opportunity to walk by the courthouse, which is right in downtown St. Louis, where the Dred Scott case was initially decided. That is where the district court was.

You look back, and people in St. Louis, Missouri, would agree in the fact that case was there, and many Missourians stood up and fought against what that case was all about. I would argue that Roe v. Wade is exact in kind as the Dred Scott decision. Like the Dred Scott decision, Roe v. Wade—unlike, if you think back, and think of any other major Supreme Court decision, where rights, individual rights were dealt with—almost every other Supreme Court decision, where constitutional rights were dealt with, over time the public grew to accept. That is because over time, the public grew to understand the justice of that decision.

The most recent one is civil rights decisions. But in Dred Scott the abolitionist and so many others knew of the injustice—yes, it was the law; that is what the court said. They decided the case. There were too many in this country who said, no, I don't believe that is right.

It is amazing if you see the polling of young people in America, there is actually a higher pro-life sentiment among young people than older people, but you would think people who grew up, knowing this was the law—because when people hear what they think, if it is the law, it must be right; it must be just; it must be ethical; it must be moral; otherwise, it would not be the law. The law is a great teacher. It is the greatest teacher to young people as to what is right and wrong.

Young people, knowing the law, still say there is something inside me that says this is not right. Just like young people in the 1850s and 1860s, who said there is something inside me that tells me this is not right.

Abraham Lincoln said a house divided against itself cannot stand. So here we are today, with the American public deeply divided on this issue, deeply divided because so many people for 30 years have only known the law and the popular culture. Does the popular culture depart at all from what the law is? Is there anything you see coming out of Hollywood or New York that at all disagrees with this, the Supreme Court notion of what is the law? Is there anything you see coming out of Hollywood or New York that disagrees with what the Supreme Court notion of what is the law? Is there anything you see coming out of Hollywood or New York that disagrees with what the Court said. They decided the case. They decided the case.

In Dred Scott, we took the fundamental right, life—for without life you cannot have liberty; without liberty you cannot pursue happiness. In that order—life, liberty, pursuit of happiness. Thomas Jefferson wrote: We are—
Dred Scott did was take the life rights of a slave and put them under the liberty rights of someone else.

And Roe v. Wade, the reason I compare it to Dred Scott, does the same thing. It puts the life right of this little baby that we have decided not to accept in our society as a person and subjugates them to the liberty rights, the choice of someone else, in this case the baby's mother.

The Senator from California says why don't we trust women more? I do. But you cannot ignore the fact that one-third of all pregnancies in America end in abortion. This is a very small piece of legislation, I will admit that. But it is important just for a brief moment, just for some rather small piece of legislation that affects, if you consider 13 million abortions, less than 1 percent of all abortions, far less, 1 of all abortions, but in some small way it begins to recognize the humanity that we have to display toward this child and not treat this child in such a brutal fashion.

I conclude by thanking my colleague from California and all those who have been involved in this debate over the years. We have had a vigorous debate. That is important in the Senate that we debate these very important issues. I thank all those on both sides of the aisle who have engaged in that. I thank Senator Smith for his courage in bringing this bill up; Senator DeWine, in particular, who has been a tremendous champion on this issue; along with Senator Ensign, Senator Voinovich, and so many others who have come to the Senate and taken on this issue.

I thank my staff: Heather MacLean, for the tremendous work she has done in supporting me in every way possible in getting the information I need when I need it, to carry this debate forward; and Michelle Kitchen; prior to her, Wayne Palmer, my legislative director; and all of my staff.

Finally, I thank all who have been sending your prayers to Washington, DC, through this debate. They have made a difference.

Mr. Demenic. Madam President, I rise today to support adoption of the conference report to accompany the “Partial-Birth Abortion Ban Act of 2003.” I compliment the distinguished Senator from Pennsylvania, Santorum. He has carried this bill and I offer him my congratulations for his efforts in this regard.

I have always been a supporter of the rights of the unborn. And, after many years of debate on this issue, I am very pleased that this body is going to pass this measure, and that the President has said he will sign it.

In March, I came to the floor and I discussed this very issue. At that time, I quoted one of our very distinguished former colleagues, Mr. Daniel Patrick Moynihan. Senator Moynihan described the Partial Birth Abortion procedure as follows:

I think this is just too close to infanticide. A child has been born and it has exited the uterus. What on Earth is this procedure?

That is what the distinguished Senator from New York said.

And, the Senator was right. This debate is not about Roe v. Wade; this is not a pro-life or pro-choice vote. This debate is about humanity and necessity. If the life of the child, if birth is the way to end it, to put it candidly, is cruel and inhumane. The issue here today is whether we should prohibit a form of abortion that borders on infanticide. As Senator Moynihan said, “what on Earth is this procedure?”

By now, many Americans are uncomfortably aware of the details of a partial-birth abortion. They have heard the testimony of doctors who perform this procedure and nurses who witness it. They have also most likely seen information ads or read descriptions of the procedure. Maybe they have even watched us debate the issue on prior occasions. I will not go through the details of the procedure. I will only say that at a minimum it is cruel and inhumane. And when this debate is completed, I hope that the Senate will take a stand and ban a procedure that diminishes the life of a child that has been born and has exited the uterus.

This debate today is about protecting a fetus, an innocent life, destroyed in a cruel and inhumane way. It is about a life that is unnecessarily destroyed and it need not happen. We are not really talking about banning abortion here, we are talking about banning a form of infanticide and it is for this reason that I will gladly vote in favor of the “Partial Birth Abortion Act of 2003.”

Mr. Voinovich. Madam President, today is a glorious day. Today is the day that we finally send the Partial-Birth Abortion Ban Act to the President for his signature, and we can now begin to save human lives. Today's vote is only marred by the fact that it took us so long to get here. Just imagine the lives we could have saved if we had sent this bill to the President 8 months ago, when we first passed it.

The subject of partial-birth abortion is not a new one for me. Eight years ago, when I was Governor of Ohio, we were the first State to pass a partial-birth abortion ban, which was unfortunately struck down by the courts. Subsequent to that, I watched the partial birth abortion ban make its way through Congress only to be vetoed by President Clinton. After I arrived in the Senate in the 106th Congress, I gave a speech in support of a partial birth abortion ban that passed both chambers but never made it to Conference. I am overjoyed that we finally got this done in the 108th Congress.

During debate on this bill, I listened to my colleagues quote statistics and spout off facts about medical necessity and the health of the mother. Well, we can all quote different statistics, but the bottom line is that there is no need for this procedure. Most of these partial birth abortions are elective. They take 3 days to complete and are never medically necessary.

The victims of the partial-birth abortions are human beings. I find it interesting that they are sometimes called living fetuses. Whether they are called living fetuses or not, they all have separate hearts and we dispute the fact that they are living. In fact, they are human babies and they can feel pain.

I would like to thank all of my colleagues who voted for this very important legislation. We can certainly be proud of what we have accomplished today.

Mr. Bunning. Madam President, today I come to the floor with joy in my heart knowing we will finally put an end to the death of unborn children through partial-birth abortions. I am joyful that our efforts will not go in vain this year because President Bush is eager to sign this bill.

But my heart is also heavy knowing that this procedure has gone on too long. Too many children have died in this horrific way. The vast majority of Congress has been trying for the better part of a decade to ban partial-birth abortions but has been stymied by President Clinton and the current majority party in the Senate. I am glad that the days of obstruction and vetoes have come to an end and this bill will become law.

I can think of no more clear-cut case between right and wrong. This needs to be clarified as to understand how wrong partial-birth abortions are. First, an abortionist induces dilation of the mother so the baby can be almost fully delivered. Next, the baby is delivered to the point that only its head remains inside the mother. Third, the child is stabbed in the back of the skull with scissors or some other sharp object. Finally, a tube is used to suck the child's brains out of the hole left by the stabbing.

There is no gray area or middle ground when it comes to this procedure and there are no justifications for it. The child is delivered to within inches of breathing its first breath. If the doctor lets the head of the baby slip just an inch or two, the child would be born and the doctor would be prosecuted for murder. Nevertheless, some abortion supporters cannot see through the fog of their fervor to realize just how wrong that is.

I do not mean to suggest that there is widespread support for partial-birth abortions. There is not. The vast majority of the American people want the procedure to end. Congress has voted overwhelmingly many times in the last few years to enact a ban like the one before the Senate today. Most doctors oppose the procedure including quite a few who perform other forms of abortion.

There is no evidence that this procedure is ever necessary to preserve the health of the mother. In fact, it is quite dangerous. Babies being killed in this manner can feel the pain of its skull being pierced and have been seen
writhing in pain, flailing tiny arms and legs until its skull collapses after its brains have been vacuumed out. I do not understand how anyone can believe this should go on.

Doctors and medical researchers have made inroads in fetal health care. Babies can be operated on while still in the womb. Premature babies can survive outside their mother at younger and younger ages. With those and other advancements Americans are continually placing a greater value of quality of life.

Ours is a just society that values every life. And other advancements Americans are making in medicine are just society that values every human being and believes in the sanctity of life.

I look forward to President Bush signing this bill into law. I am proud of my support of this bill and for life.

Mr. NICKLES. Madam President, as I am sure all of my colleagues know by now, the procedure banned by this bill—partial-birth abortion procedure—defines description of a living child late in pregnancy. This is a truly shocking procedure—absolutely indefensible. The term “partial-birth” is perfectly accurate. Some prominent defenders of partial-birth abortions insist that anesthesia kills the babies before they are removed from the womb. This myth has been refuted by ad hoc coalitions of medical society of anesthesiologists. In reality, the babies are alive and experience great pain when subjected to a partial-birth abortion.

It has been asserted that this procedure is the only way to prevent serious health damage. However, partial-birth abortions are performed thousands of times annually on healthy babies of healthy mothers.

Hundreds of ob-gyns and fetal/mater- nal specialists, along with former Surgeon General Koop have come forward to unequivocally state that “partial-birth abortion is never medically necessary to protect another’s health or her future fertility.” Thus, the first section of S. 3 contains Congress’ factual findings that, based upon extensive medical evidence compiled during congressional hearings, a partial-birth abortion is never necessary to preserve the health of a woman.

In January 2003, even the Alan Guttmacher Institute—an affiliate of Planned Parenthood—published a survey of abortion providers that estimated that 2,200 abortions were performed by the method in the year 2000. While that figure is surely low, it is more than triple the number that AGI estimated in its recent previous survey, for 1996.

The stark fact is that unless this bill becomes law, more innocent unborn children will have their lives brutally ended by the inhumane partial-birth procedure.

I am having to take legislative action to ban such a procedure. It is further unbelievable to me that anyone in good conscience can even defend the partial-birth abortion procedure. It is a fiction to believe that it is all right to end the life of a fetus with a brain, a spine, the head fully formed, is fully delivered. In order to engage in such a fiction, one has to take the position that curling fingers and kicking legs have no life in them. Those who subscribe to such a fiction, are at best, misled.

As former Surgeon General C. Everett Koop stated: “...in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can’t be a necessity for the baby.” American Medical News, August 19, 1996.

Now it is time for the Senate to approve a ban on partial-birth abortions. It is time to end this injustice and the practice of this inhumane procedure. I urge my colleagues to join me in ending this atrocity.

Mr. BOXER. Madam President, I rise today in support of the conference report to the Partial-Birth Abortion Ban Act. I am pleased to be a cosponsor of this legislation, and I look forward to the day when partial-birth abortion is banned once and for all.

Medical experts agree, partial-birth abortion is not good medicine. The Physicians Ad Hoc Coalition for Truth, PHACT, a group of over 500 doctors, mostly clinically trained specialists, reproductive medicine, and pediatrics, have stated that partial-birth abortion is never medically necessary to protect a woman’s health or her fertility. In fact, the exact opposite is true; the procedure is a significant threat to both the pregnant woman’s health and her fertility.

Today we move one step closer to putting an end to this brutal procedure. One of life’s greatest gifts is our children, and we cannot allow them to be victims of this heinous and cruel procedure.

I have cosponsored this legislation in the past three Congresses, and I am a cosponsor of the bill before us today. I am pleased to rise once again in support of protecting human life. I hope that Congress will deliver this bill to the President, who is eager to sign this bill into law.

Ms. MIKULSKI. Madam President, I rise today in support of the Roe v. Wade decision that was made by the Supreme Court over 30 years ago, and in opposition to the late term abortion conference report before the Senate.

The Supreme Court of the United States has recognized the fundamental “right to privacy” in our Constitution gave every woman the right to decide what to do with her own body. Since that historic day, women have been across the country and the world have improved access to reproductive health care and services. However, Congress is on the brink of turning back the clock.

Last month, my colleague from California, Senator Boxer, led a fight on the Senate floor to keep Senate passed language in support of Roe v. Wade in the late term abortion bill. S. 3 I was disheartened to hear that the conference report before the Senate passed Roe v. Wade language. The Roe v. Wade decision is important to women’s rights, women’s health, and public health.

I believe that this bill is the first step in a plan by the leadership of this Congress to overturn Roe v. Wade. When President Bush signs this bill, he will become the first President since Roe v. Wade to recommit to abortion procedures.

As I have stated previously on the Senate floor, the bill before us is unconstitutional. Just 3 years ago the Supreme Court ruled in Stenberg v. Carhart that a Nebraska State law that made partial-birth abortion unconstitutional. The Supreme Court ruled it was unconstitutional for two reasons. First, it did not include an exception for a woman’s health. Second, it does not clearly define the procedure it claims to prohibit and would ban other procedures, sometimes used early in pregnancy.

S. 3 is nearly identical to the Nebraska law the Supreme Court struck down. The proponents of this legislation say they have made changes to the bill to address the Supreme Court’s ruling. They have not. It still does not include an exception to protect the health of the woman. It still does not clearly define the procedure it claims to prohibit. Let me be clear about this. S. 3 is unconstitutional. That is why I supported the Durbin substitute when the Senate considered this legislation.

I supported the Durbin amendment because it met with my four principles. These are my principles: It respects the constitutional underpinnings of Roe v. Wade. It prohibits all post-viability abortions, regardless of the procedure used. It provides an exception for the health of a woman, which is both intellectually rigorous and compassionate. And it leaves medical decisions in the hands of physicians—not politicians. The Durbin alternative addressed this difficult issue with the intellectual rigor and seriousness of purpose it deserves.

I strongly support a woman’s right to choose and have fought to improve women’s health during the past two decades I have served in Congress. Whether it is establishing offices of women’s health, fighting for coverage of contraceptives, or requiring federal quality standards for mammography, I will continue the fight to improve women’s health.

Congress must protect a woman’s freedom of choice that was handed down by the Supreme Court over 30 years ago. This Congress must not turn back the clock on reproductive choice for women. I urge my colleagues to vote against the conference report for the late term abortion bill.
Mr. NELSON of Florida. Madam President, today the Senate considers the conference report to accompany S. 3, the Partial-Birth Abortion Ban Act, and I want to take this opportunity to explain my vote. I am opposed to the procedure known as partial-birth abortion. The conference report is a ban on later-term abortion procedures used prior to viability.

It would not be considered an adequate medical judgment, for the preservation of the life or health of the mother, that means that a physician could determine that a woman's health is in jeopardy, except in cases where the life or health of the mother is in danger. That means that a physician must be free to make clinical determinations, in accordance with the constitutional parameters set forth by the U.S. Supreme Court.

A majority of the Senate agreed to support the Harkin amendment, which would remove this language during its consideration of the bill, and I am disappointed that the conference report failed to adopt the Senate's position on this issue.

The Senate should only legislate in this area when it is constitutionally sound. This conference report does not meet that test and I cannot support it.

Ms. CANTWELL. Madam President, I rise today to express my opposition to the conference report to accompany S. 3, the so-called Partial-Birth Abortion Ban Act of 2003. This is an unconstitutional piece of legislation that puts women's lives in jeopardy.

Supporters of this bill will argue that this legislation bans only one procedure but this is not the case. Make no mistake about it. This bill puts us on a path outlawing abortion. The language in this bill is vague, and this law could be used to ban other safe and legal procedures. This legislation imposes an undue burden on a woman's ability to choose by banning abortion procedures at any stage in a woman's pregnancy. This bill does not only ban post-viability abortions, it unconstitutionally restricts women's rights regardless of where the woman is in her pregnancy.

In 1973, in Roe v. Wade, the Supreme Court found that women have a constitutional right to choose. However, the Court did not lay out the constitutional limits on the right to abortion. It was up to the states to set those limits.

In 1992, the Supreme Court reinforced the importance of this health exception in Stenberg v. Carhart, which determined that a Nebraska law banning the performance of so-called "partial birth" abortions was unconstitutional under Roe v. Wade.

The Supreme Court has stated unequivocally that every abortion restriction, including bans on so-called "partial-birth abortion," must contain a health exception. The Court emphasized that, by providing a health exception, the Nebraska law would place a woman's life in danger. That is exactly what the legislation before us today does as well: it places a woman's life in danger.

Despite the Supreme Court's very clear mandate, this underlying legislation does not provide an exception for the health of the mother. For this reason, this legislation, like the measure that was struck down in Stenberg, is unconstitutional.

I am very disappointed that this conference report does not include language passed by the Senate that abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade, and that the 1992 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of states to restrict the right of a woman to choose to terminate a pregnancy.

Furthermore, the amendment firmly laid out the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secured an important constitutional right and that the decision should not be overturned.

I fundamentally believe that private medical decisions should be made by women in consultation with their doctors—not politicians. These decisions include the methods by which a physician chooses to treat his or her patients. Why should we decide that here when Senator DASCHLE and other senators say that the bill would not place a woman's life in danger.

I support Roe v. Wade, which means that I agree that the government can restrict abortions only when there is a compelling state interest at stake. I feel very strongly that Congress should seek to regulate abortions only within the constitutional parameters set forth by the U.S. Supreme Court.
Mr. SANTORUM. Madam President, I know I just have a few seconds, but I do want to recognize the tremendous effort and work the majority leader has made over the years on this issue. His presentation, when he first came to the Senate, as the only physician in the Senate, was compelling, persuasive, and I think one of the things that allowed us to get the 60-plus votes we needed to have this bill passed on previous occasions and now gives us the margin we have today. He is to share a significant amount of credit for today’s victory.

Thank you, Madam President.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, on leader time, I will use just a remaining few minutes.

The partial-birth abortion ban is finally at the finishing line. I expect today the Senate will vote for the last time to end this morally reprehensible procedure. We will have a bill on the President’s desk, and this President will sign the ban into law.

As a physician and as a board-certified surgeon, I would say, without equivocation that partial-birth abortion is brutal, it is barbaric, it is morally offensive, and it is outside of the mainstream practice of medicine.

Contrary to the claims of its supporters, partial-birth abortion is a fringe procedure outside of the mainstream. It is not performed by people who are board-certified surgeons. It is not found in common medical textbooks. It is not taught in our surgical residency programs. The sole purpose of this partial-birth abortion is to deliver a dead baby. It is not, as some insist, to protect the life of the mother. In fact, partial-birth...
abortion, as we have heard again and again, is dangerous to the health of the mother, more dangerous than other alternatives. We could go on and on with these undeniable medical facts in greater detail, but something larger is at stake, and we speak to that powerfully with this vote today.

Beyond even the ethical practice of medicine, our Nation’s charter, the Declaration of Independence, asserts that our Creator has blessed us with certain rights—rights from which we, as beings made in God’s image and likeness, cannot be alienated.

In destroying the body of a mature, unborn child, we are alienating that child from his or her most essential right; and that is, the right to life.

In doing so, we are violating the very premise of our Republic—that our rights are enduring gifts of God, not privileges to be revoked by human whim.

In Evangelium vitae, Pope John Paul II tells us true human freedom is rooted in a “culture of life.”

We will reaffirm in this Chamber that human personhood is precious, that doing no harm is still the bedrock of our moral code, and that human life is a gift from our Creator.

Our Constitution is vaunted as the world’s strongest guarantee of human rights. Most Americans believe the American Constitution is the greatest book ever written. I believe that is true. It is a magnificent text.

But we must be consistent. The Constitution is not a contract that says something to certain people and nothing to others. It is a contract with all of us.

The Constitution guarantees we have the right to practice our religion, the freedom of speech, the right to assembly and the right to bear arms.

Our rights are not dependent on whether we agree with each other.

The debates that are taking place today are the debates of our forefathers. We stand together.

Mr. FRIST. Madam President, obviously we have a strong disagreement in the statements that were just made. Let me finally close by saying this is a brutal procedure. It is a barbaric procedure. It offends the sensibilities of 90 percent or more of Americans. It is outside of mainstream medicine as practiced in the United States of America today.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the yeas and nays. The Yeas and Nays in the negative are:

YEAS—64

Mr. DeWine, Mr. McCain, Mr. Allen, Mr. Allen, Mr. Bayh, Mr. Bennett, Mr. Ensign, Mr. Biden, Mr. Bond, Mr. Fitzgerald, Mr. Brownback, Mr. Grassley, Mr. Burns, Mr. Byrd, Mr. Campbell, Mr. Carper, Mr. Chambliss, Mr. Cochran, Mr. Co Campaign, Mr. Cornyn, Mr. Craig, Mr. Crapo, Mr. Daschle, Mr. Nays—34

Mr. Akaka, Mr. Baucus, Mr. Bingaman, Mr. Boxer, Mr. Cantwell, Mr. Chafee, Mr. Clinton, Mr. Collins, Mr. Corzine, Mr. Dayton, Mr. Dodd, Mr. Durbin, Mr. Edwards, Mr. Hatch, Mr. Feingold, Mr. Feinstein, Mr. Graham (FL), Mr. Harkin, Mr. Inouye, Mr. Jepsen, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Mr. Hutchison, Mr. Mikulski, Mr. Murray, Mr. Nelson (FL), Mr. Reed, Mr. Rockefeller, Mr. Sarbanes, Mr. Schumer, Mr. Snowe, Mr. Stabenow, Mr. Wyden.

NOT VOTING—2

Mr. Warner, Mr. Santorum.

The conference report was agreed to. Mr. McConnel. I move to reconsider the motion and move to lay that table.

The motion to lay on the table was agreed to.

CLASS ACTION FAIRNESS ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, parliamentary inquiry: Is it in order at this point in time for the Senator to speak in morning business for about 10 minutes?

The PRESIDING OFFICER. The Senator should seek consent for that purpose.

Mr. REID. I could not hear the Senator’s request. I am sorry.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The Senator from Virginia simply asked the parliamentary situation, could I proceed as in morning business for 15 minutes?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

REMARKS BY SERVICE MEMBERS

Mr. WARNER. Madam President, the press have reported comments made by a general officer, General Boykin, and those remarks have been the subject of considerable concern. They are also reportedly a subject of great discussion in the Arab press.

I also am concerned, and I rise to advise my colleagues and others of a recommended course of action. I do so by first reading a letter signed by Senator Leahy and myself dated last Friday. We wrote this letter jointly in the course of the debate on this floor in response to the request by the Commander in Chief, the President, for some $87 billion to support our military and to support our reconstruction efforts in Iraq and elsewhere. I was a strong supporter and was happy to vote for it. Fortunately, the measure has passed and is now subject to the conferees.

It is interesting, at the very time that we were passing this legislation, which are taxpayer funds in considerable amounts, the object was to provide freedom and quality of life for the people of Iraq. The people of Iraq largely follow the Muslim religion in teaching, in tenets, and it is dear to their hearts. At the same time, the coverage in the United States is about comments made by a distinguished officer, a man who has shown great personal courage in the profession as a soldier.

Nevertheless, there are allegations with regard to these remarks that have been reported in the press. Senator Levin and I felt it was our duty, as chairman and ranking member of the Armed Services Committee, to make a recommendation to the Secretary of Defense.

I am about to read that letter we sent on Friday, because I think it is a very responsible way to deal with a high-profile situation.

Dear Mr. Secretary:

Enclosed are copies of articles that have appeared in the press recently about public statements allegedly made in uniform by LTG William G. Boykin, U.S. Army, the Deputy Under Secretary of Defense for Intelligence. In matters pertaining to religious beliefs, the practice and expression, the Armed Forces have traditionally permitted as much latitude as possible,
consistent with the requirement of good order and discipline in the military’s ability to accomplish its mission. We recognize the right of every American to free speech. However, as is well established, in part—I add, part in law—there are limits on the right of expression for service members. Public statements by a senior military official of an inflammatory, offensive nature that would denigrate another religion and which could be construed as bigotry, intolerance and a failure to prevent acts of war against a religion. And all I did, as far as I am concerned and indeed this officer. This is not, we wouldn’t expect a person of the Islamic faith to ratify the Christian faith or other faiths to say they validate the faith of someone else. That is just the way we see things, as we deal with matters of personal faith.

But I think it is a delicate matter, particularly when a person is in uniform. I think going forward with a look at this and some thoughtful analysis as to what would be the right procedure for, not demanding but recommending, having spent some time in the Department of Defense—myself—all I did was precisely state what the President and what I think are—I am having some difficulty reading this but I just have to literally read it as printed. I have not seen Boykin’s comment, but I have since seen one of the network tapes and it had a lot of very difficult to understand words and subtitles which I was not able to verify. So I remain inexpert on precisely what he said and I was told he used notes and not text. And so I will stop there.

General Boykin has requested an Inspector General review of this matter, and I have indicated if that is his request, I think it appropriate. I know that General Pace, who was apparently with the Secretary, has talked to him more recently. You may want to comment as well.

Senator L EVIN. Mr. President, I will stop there. Good, sound judgment in the exercise of his freedom to speak. This is not a matter of any religion or affiliation with religion. So clearly, in my very short conversation with Jerry, which he instigated, he is sad that this is the way that it is, but he is anxious to have the investigator do his job.

I commend the Secretary of Defense, and I commend General Boykin. I think Senator L EVIN and I took the proper step. We had the option to put this letter into the public domain on Friday, but I didn’t. I did consult to the Department of Defense Inspector General for a thorough review of the facts and a determination as to whether or not there has been any inappropriate behavior by Lieutenant General Boykin. Please advise us of the committee of the results of this review.

I now read from a press account of today, which purportedly carries—and I have to rely on the authenticity of the press reports. I have no reason to disagree with them. I have to rely on the authenticity of the press reports. I have no reason to disagree with them. The press reports. I have no reason to disagree with them.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I want to express my appreciation for the thoughtful words of Senator W ARNER. He has served his country for many years as a marine, a naval officer, as a Secretary of the Navy, and now the Senate chairman of the Armed Services Committee. I know he takes this issue very seriously.

I do believe this officer should be entitled to a hearing, have an inspector general look at these very delicate matters. When we talk about people’s personal religious beliefs as to whether one theology is valid and another one is not, we wouldn’t expect a person of the Islamic faith to ratify the Christian faith or other faiths to say they validate the faith of someone else. That is just the way we see things, as we deal with matters of personal faith.

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I was going to speak about the class action reform. Did the Senator from Illinois have some comments?

Mr. DURBIN. If the Senator from Alabama would yield for a moment, I would like to address the same issue and then yield back to him to discuss class action reform.

Mr. SESSIONS. Would 5 minutes be sufficient? I am pleased to yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I commend the Senator from Virginia. There are times when he and I have come together and think good things have happened— I think this may be such a moment. I hope it is. I came to the floor to address this issue involving General Boykin, fully cognizant of the great contribution which he has made to this country in his military capacity over many years, risking his life and serving our Nation well, but feeling at this moment in time important questions need to be asked and answered about the things he said and did. I believe from Virginia—I do not want to mischaracterize his remarks—has suggested he be detailed to another position while these important questions are asked and considered and answers are brought forward. Am I correct in that?

Mr. WARNER. Madam President, the Senator is correct, to simply give full and complete opportunity and have him temporarily detailed elsewhere. I think until such time as this is resolved— and think good things have happened— I think this may be such a moment. I hope it is. I came to the floor to address this issue involving General Boykin.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senators for their comments. I fail, but I attempt to take my faith seriously. I respect followers of the Islamic faith who take their faith seriously, who study the scriptures and act in accordance therewith. We may disagree, but we respect one another. That is the way I was raised as an American, to respect one another's faith. I think respect for one another's faith makes me some- what sympathetic to General Boykin, who goes to a church and shares some of his insights and beliefs. But then again he is an officer of the United States and has a position in a time of conflict, in a sensitive period, and maybe at one point apparently he may have worn the uniform while he made those remarks.

I think it is appropriate for us to take some time out and look at this. I thank the chairman for that. Madam President, I am now to undertake and begin debate on the motion to proceed to the Class Action Fairness bill, S. 1751.

Unfortunately, we are seeing a trend in which there are more and more pieces of legislation that have provisions allowing a person to sue and to sue and to sue and not have any of that. We had a constitutional right, a sense of balance in the way we litigate things. The class action procedure is available, it is not available only to those who may be harmed or damaged in some way by the actions or products of some business.

Over time we seem to have lost our sense of balance in the way we litigate class actions. When our Founding Fa- thers—when our Founding Fathers—looked at the actions and the potential actions that we had, we did not have class actions. We did not have mass actions. We did not have private attorneys general actions. We did not have any of that. We had a concern on the part of our Founding Fathers that if a group of people in one State were harmed by a business or person in another State, maybe we ought to have a Federal court system, to ensure that the case is not heard by the potentially biased judges in the in- juried party's home State. The trial bar gets a bad rap in a lot of quarters, but I believe they play a very helpful and constructive role in this country. They sometimes do not get credit for that. One of the things they do try is to try to make sure, where people are harmed, they get compensated.

Our system has lost the right kind of balance. Too often today— not always but too often—we end up debating national class actions in a Federal court but in a local court—in some cases, in a court where the judges are locally elected and the defendant is placed at a real disadvantage. I will give an example because this does not make sense. If hundreds of thousands or perhaps millions of dollars in fees. This body has a duty to address problems with the legal system. It is something we are required to do and should do. The Senate has 60-vote hurdles. I am disappointed we may have to overcome another filibuster as we move forward.

Obstructionism is always available, but I don't believe there is strong oppo- sition to this bill. There is bipartisan support. If we let the debate go forward and people honestly consider whether it ought to be law or not, we would be willing to accept an up-or-down vote. That is a concern I express.

The distinguished Senator from Delaware is here. He is very thoughtful on these matters. I know he would like to speak for approximately 15 minutes. I yield the floor.

The PRESIDING OFFICER (Mr. AL- EXANDER). The Senator from Delaware.

Mr. CARPER. I express my thanks to the Senator from Alabama for his kind words. I appreciate the opportunity to work with him on these and other issues. Tomorrow morning, around 11 o'clock, an important vote will occur in the Senate. At the heart of this vote, for me, is to determine whether or not a group of senators and Republicans, to actually take up and debate the very issue we allow people who are harmed, hurt, or injured—many cases, by business—to be compensated. To take account of the fact that we, as individuals, are damaged by the actions of another or by the actions of a business, we should be made whole. I believe the same protection should inure to a group of people or a class of people who may be harmed or damaged in some way by the actions or products of some business.

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bring a class action against that same restaurant for some alleged sin they have committed—and it may involve tens of millions of dollars—it may well end up in a State court, not in a Federal court. That does not seem right to me.

There has been an effort to try to establish or reestablish the sense of balance in these kinds of cases. It started about 5 years ago, in the 106th Congress. Over time, I believe a more thoughtful approach has evolved and has had a significant influence on legislation this year, S. 274, called the Class Action Fairness Act. That bill has gone through hearings, I think in the last Congress, and hearings in this Congress. It has been through regular order. The Senate Judiciary Committee has had an opportunity to hold hearings, to debate the bill, to vote on amendments to the bill and ultimately to report the bill out.

There are a number of aspects of the legislation that recommend it to me. I am a cosponsor of the legislation, and it enjoys bipartisan support. Among the original cosponsors are Senator Grassley and Senator Kohl of Wisconsin. The bill was reported out on a bipartisan vote. More Republicans voted for it than Democrats, but it had some bipartisan support.

I will discuss how the class action system will work in our country if this legislation or something akin to it becomes law. It is not a perfect bill. I have an amendment or two that I want to offer to perfect the legislation. I noticed Senator Lieberman does as well. I have talked to other colleagues, including Senator Landrieu, who have ideas for amendments they want to offer. It is a work in progress. It is one that can be improved and should be improved.

In order for us to be able to offer our amendments to the bill to perfect and improve it, it has to be reported out of committee and go to the floor tomorrow at 11 o'clock on the motion to proceed, which, understandably but unfortunately, is opposed by leadership on my side. The fear, the concern, is we will get to the bill and the opportunity for those who would like to offer amendments may not end up to be realized; the opportunity for us to offer amendments, to be fairly heard and vote will not occur. Therefore, they are reluctant to go to the bill we have to report further and send it to the floor.

In the end, the only way we know for sure if our amendments are going to get a fair hearing, and have the opportunity to be debated and adopted, is to go to the bill, to take it up. I hope tomorrow, when we vote, that is what we will have an opportunity to do.

Let me talk briefly about how I understand our legal system would work a little differently if this were to become the law of the land.

First, the question is, how is this litigation going to be heard in State court or Federal court? Under the legislation, for a matter to be heard in Federal court or for the defendant in the case to be able to argue successfully that a case ought to be in Federal court as opposed to a State court, there would have to be a certain dollar amount at stake, and it would be $5 million. If it is under $5 million, it will be in State court.

Second, is the number of people in the plaintiff class. If you have less than 100 people in your plaintiff class, this litigation is going to be heard in a State court. Third, if a case is filed in a State court, and the defendant says, no, this ought to be in a Federal court, and they go to Federal court to try to get it removed to the Federal court, and the Federal court says, no, this remains in the State court, then it goes back to the State court. And unless the plaintiffs change the plaintiff class, or unless the plaintiffs somehow change their complaint, it is going to stay in State court.

There are no caps on pain and suffering, no caps on punitive damages, no caps on noneconomic damages, no caps on attorney fees. We leave joint and several alone.

In some States they apparently do not have class actions; they have mass actions. In States such as West Virginia, Mississippi—where they aggregate a number of individual claims. The question is whether those are more properly heard in a Federal court or a State court.

I think Senator Specter has negotiated a pretty good compromise in those instances. In some cases, if it were a major incident, such as an explosion or a fire or a catastrophic incident that involves people in one State, then it would basically be handled in State court; if not, it would be in a Federal court.

Senator Feinstein had an issue on these private attorneys general cases, which apparently you or I could stand up and come back to the floor and say they represent a group of people on a particular wrong that has been committed. In some cases that is the way they really go about class action. Her amendment was adopted as part of the final agreement. If the bill comes to the floor, the private attorneys general agreement would be within the purview of State courts, not the Federal court.

Senator Feinstein also offered I think quite a thoughtful amendment one that addresses a concern raised by the Judicial Conference that we heard discussed earlier. My colleagues will recall the Judicial Conference is actually headed up by the Chief Justice of the United States, Chief Justice Rehnquist. But they, from time to time, will opine on things that are before us and maybe share their opinions with us. They suggested, when asked back in March, that there were some real concerns that they had with S. 274, because they thought a lot of cases that are now heard in State courts to end up flooding the Federal courts. They suggested that we ought to do something about it, that the Judiciary Committee ought to do something about it.

Well, the Judiciary Committee did something about it. What they did is they adopted the Feinstein amendment in their markup back in April. The amendment says basically this. It says: The plaintiff class, the people who are bringing the grievance, if two-thirds or more are from the same State of the defendant, automatically that case is heard in the State court. If fewer than one-third of the plaintiff class are from the same State as the defendant, automatically it is heard in a Federal court. If the percentage of the plaintiff class is somewhere between one-third and two-thirds who are from the same State as the defendant, then it is up to a Federal judge in that area to make the final decision based on criteria. There are five pieces of criteria spelled out in the bill.

So, again, if there are more than two-thirds of the plaintiff class in the same State as the defendant, it is a State matter; fewer than a third of the plaintiffs from the same State as the defendant, it is in the Federal court; and between one-third and two-thirds from the same defendant, it is kind of a jump ball. The Federal judge in the area is asked to make the decision based on the criteria spelled out in the bill.

Interestingly, the Judicial Conference came back after this amendment was adopted and the legislation was about to be reported out and they seemed to suggest, in a letter that they sent to the ranking Democrat on the Judiciary Committee, that their earlier concerns had been addressed. I think the Judicial Conference sent a similar letter to the folks in the House of Representatives suggesting the same thing in the month of May.

A concern has been raised, a legitimate concern, about the number of cases are now going to end up in Federal court as opposed to State court under this bill. Some pretty smart people actually took the data from the last 5 years in States where they collected this data to look to see—in States such as New York, Massachusetts, Maine, where data is available—what percentage of cases in those States over the last 5 years would have ended up in a Federal court as opposed to a State court. Sixty percent or more of those cases in the last 5 years would still have ended up in a State court. I think that is a good point to be mindful of.

I do not know if any of us going forward could say what the future is going to be, but we would sure look back over the last 5 years and say if this were the law of the land, the again, 60 percent of more of the cases would have stayed in State court.

Senator Lieberman is prepared to offer an amendment, I think a real good amendment, to the bill that addresses an issue for Connecticut. It is
similar to an issue raised for Indiana, and similar to an issue I have heard raised, I think, for New Mexico.

This is the issue that was raised. Let’s say in Connecticut you have a river that has been polluted by a plant that is owned by a company in another State. Again, the people who are damaged, the plaintiff class, if you will, are in Connecticut. The damage was in Connecticut and there are two defendants in Connecticut—the plant that did the pollution—and the owner of the plant that is in another State.

What Senator Lieberman has come forth with and said is, in a case such as that, it ought to really be in a Connecticut court. I think he is right.

Senator Lieberman will offer an amendment that says in those cases State law should prevail. They should not be moved someplace else. State law should prevail. He will offer that amendment if we have the opportunity—if we have the opportunity—to actually go to the bill, take it up, and debate it. In order to do that, we have to vote tomorrow for the motion to proceed.

There is a real test that is going to take place here. If we actually vote for the motion to proceed and go to the bill, there is a burden of proof that rests on us, those on the other side of the aisle. They need to act in good faith. We need to actually have the opportunity to offer our amendments. We need to have the opportunity for a fair and open debate on reasonable perfecting amendments. If we do, then I think it may act as a confidence builder and maybe establish a measure of trust around here where, frankly, there is not too much. On the other hand, if our Republican colleagues take a different course and seek to curtail debate and reasonable amendments and not support reasonable amendments, perfecting amendments, then that sends a different message.

I think there is more at stake for this body than just whether or not we are going to take up a class action bill. There is a whole lot more at stake. My hope is tomorrow, when we vote, if we vote to proceed, that our colleagues on the other side will keep that in mind and that their actions in the days or weeks or so ahead will reflect as much.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today to speak on behalf of the Class Action Fairness Act, a bill to stop unfair and abusive class action settlements that ignore the best interests of injured plaintiffs. It tickles the cockles of my heart that this is the first time I can recall that my colleagues in the State of Delaware and the District of Columbia have spoken out in the same position on a bill before the Senate. Senator CARPER and I have worked together for many years in the National Governors Association. We have been looking for an opportunity to collaborate and support legislation on the floor of the Senate. It is a particular pleasure for me to follow the Senator from Delaware. We both believe this is good legislation for the people in our districts and for our country.

This legislation is sorely needed to help people understand their rights in class action lawsuits and protect them from unfair settlements. It is also needed to reform the class action process which has been so manipulated in recent years that U.S. companies are being driven into bankruptcy to escape a rising tide of frivolous lawsuits and has resulted in the loss of countless numbers of jobs, especially in the manufacturing sector.

I believe that for the system to work, we must strike a delicate balance between the rights of the aggrieved parties to bring lawsuits and the rights of society to be protected against frivolous judgments that are disproportionate to compensating the injured and made at the expense of society as a whole. I believe that is what this legislation does, and I am proud to be a co-sponsor of it.

As Senator from Ohio, I have been very concerned with what I call the “litigation tornado” that has been sweeping through the economy of my State and throughout the United States. Our civil justice system is in a state of crisis. Ohio businesses are leaving the State, and too many have stopped delivering babies because they cannot afford liability insurance. Ohio businesses are going bankrupt as a result of runaway asbestos litigation. Today, one of my fellow Ohioans can be a plaintiff in a class action lawsuit that she doesn’t even know about that is taking place in a State she has never visited.

In 1996, as Governor of Ohio, I was proud to sign H.B. 350, strong tort reform legislation that became law in Ohio for a while. It might have helped today’s liability crisis, but it never got off the ground because it had too many loopholes.

In 1999, as Governor of Ohio, I was proud to sign a strong tort reform reform legislation that became law in Ohio for a while. It might have helped today’s liability crisis, but it never got off the ground because it had too many loopholes.

In 1999, the Supreme Court of Ohio, in a politically motivated decision, struck down Ohio’s civil justice reform law, even though the only plaintiff in the case was the Ohio Academy of Trial Lawyers, the personal injury bar’s trade group. They were targeting the law they claimed favored Ohio’s business community and led money due to the civil justice reform laws that were enacted. That is how they got standing in court. It was an incredible situation that I hope we never see again.

While we were frustrated at the State level, I am proud to have continued my fight for a fair, strong civil justice system in the U.S. Senate. To this end, I worked with the American Tort Reform Association to produce a study titled “The Class Action B Bubble” that captured the impact of this rampant litigation on Ohio’s economy with a goal of educating the public on the issue and sparking change. Can you imagine what this study found? In Ohio, the litigation crisis costs every Ohioan $636 per year, and every Ohio family of four $2,500 per year. These are alarming numbers. This study was released on August 8, 2002. Imagine how these numbers have risen in 1 year. In tough economic times, families cannot afford to pay over $2,500 to cover other people’s litigation costs. Something needs to be done, and the passage of this bill will help.

This legislation is intended to amend the Federal judicial code to streamline and curb abuse of class action lawsuits, a procedural device through which people with identical claims are permitted to merge them and be heard at one time in court. In particular, this legislation contains safeguards that provide for judicial scrutiny of the terms of the class action settlements in order to eliminate unfair and discriminatory distribution of awards for damages and prevent class members from suffering a net loss as a result of a court victory.

This bill is designed to improve the handling of massive U.S. class action lawsuits, which now involve billions of dollars, while protecting the rights of citizens to bring such actions. Class action lawsuits have spiraled out of control with the threat of large over-reaching verdicts holding corporations hostage for years and years. In fact, America’s civil justice system had a direct cost in 2001 of $205.4 billion or almost 2.5 percent of GDP. That is a 14.3 percent jump from the year before, the largest percentage increase since 1996. Thousands of jobs have been impacted by that litigation.

I emphasize to my colleagues that this is not a bill to end all class action lawsuits. It is a bill to identify those lawsuits with merit and to ensure that plaintiffs in legitimate lawsuits are treated fairly through the litigation process. It is a bill to protect class members from settlements that give their lawyers millions while they only lose their companies. It is a bill to rectify the fact that the past decade’s state court class action filings increased over 1,000 percent. It is a bill to fix a broken judicial system.

I am a strong supporter of this bill, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand the Senator from Illinois would like to speak on this subject. First, I ask unanimous consent that Senator VOINOVICH be added as a co-sponsor to S. 1751, the Class Action Fairness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this is an important debate. The average person listening to it may wonder why...
First you have to understand what a class action lawsuit is. I will try to define it in the simplest of terms. It is when not just one person but a group of people believe that they have been wronged, either financially or otherwise. They want to go to court and bring a lawsuit against a corporation, for example. So you have a large group of plaintiffs bringing the lawsuit, usually suing one defendant, a corporation. And oftentimes, this large group of people who have been harmed don’t live in the same State. In fact, they may be from all across the Nation. And so they have to decide where they are going to file the lawsuit. And that is what this comes down to.

You say to yourself: Why is it so important to understand where you are going to file a lawsuit? Well, when I explain it from my point of view, perhaps you will understand why so much time and so much lobbying is going on behind this whole question about where you are going to file your lawsuit.

First understand this: In my State of Illinois and virtually every other State in the Union, if you are a business and you want to do business in Illinois, or in any other State, you have to do something in my State and so much lobbying is going on behind this whole question about where you are going to file your lawsuit.

You submit to courts. And if people want to sue you, they know exactly where to find you, because you are a citizen of Illinois. If you are a business and you want to do business in Illinois, you submit to that jurisdiction. You submit to the Illinois courts. That is a pretty simple outcome. If you do your business in Illinois, you submit to that jurisdiction.

Now, that is the simplest explanation of jurisdiction that I can remember from law school so many years ago and how it applies to States. In Federal courts it is a little different. If you have a defendant from one State and a plaintiff from another State, and if you have a certain amount in controversy— I think it is $75,000— you have diversity of jurisdiction, so you can go into the Federal courts.

In this case, the whole bill is about in which court you can file a class action lawsuit. You say to yourself, why does it make any difference if you are going to go into a State court in Illinois or into the Federal court in Illinois for your class action lawsuit? Why wouldn’t it make a difference? The substantive law is supposed to be the same Illinois law. Why do you want to go to Federal court?

Therein lies the reason for the bill. The people who are pushing this legislation understand that Federal courts are more conservative, less likely to let people have a lawsuit, to certify a class. When it comes to liability, Federal courts are more restrictive in liability than State courts. Don’t take my word for that. I will tell you about several cases. This one is Birchler v. Geihl. Federal law discourages Federal judges from providing remedies for violation of State law.

The Seventh Circuit—where Illinois sits—stated:

When we are faced with opposing plausible interpretations of State law, we generally choose the narrower interpretation which restricts liability, rather than the more expansive interpretation which creates substantially more liability.

That was a 1996 case. Go to Federal court? A class action is something less likely your class will be certified and you will receive any damages.

Another case is Accord Werwinski v. Ford Motor Company, a 2002 case. A class action was brought by purchasers of Ford vehicles. The cars Ford sold had defective transmissions that cracked prematurely and inadequately lubricated gears that caused numerous car failures such as sudden acceleration or shifts into reverse. Plaintiffs alleged that Ford knew about this defect long before it was corrected but continued selling the cars. The case was originally filed in State court, but Ford Motor Company removed it to Federal court which dismissed the claims of the plaintiffs who brought the lawsuit. Ford in affirming the court’s decision to dismiss the class action, the Third Circuit stated that when faced with two competing interpretations of State law, a Federal court “should opt for the interpretation that restricts liability, rather than expands it.”

These are two cases in the Federal law that explain why we are here today. The idea is to move the cases out of State court in the hopes that the defendant corporation that has been sued will have the case dismissed or, if there are damages, they will be reduced. It is not a question of whether a defendant is liable or guilty; it is a question of where they are going to get the best deal.

So the bill before us is an effort on behalf of the corporation defendants across America to push these cases out of State court into the Federal court. There are all good reasons for this class action reform, the real reason is that defendant corporations don’t want to be held responsible for their misconduct. If held responsible, they want to pay less money. That is what this is all about. They want to protect themselves and limit their liability.

Under current law, Federal diversity jurisdiction for a class action doesn’t exist unless every member of the class is a citizen of a different State from every defendant, and every member of the class is seeking damages in excess of $75,000.

This bill would create a “minimal diversity” standard in two ways. In other words, you can get into Federal court. First, the amount-in-controversy requirement is met if the total amount of the damages at stake exceeds $5 million, notwithstanding the amount of damage suffered by each individual plaintiff.

Second, diversity can be achieved one of three ways: any member of a class of plaintiffs is a citizen of a State different from any defendant; two, any member of a class of plaintiffs is a foreign state or a citizen or a subject of a foreign state and any defendant is a citizen of a State; three, any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

This is what it gets down to. We are trying to find, through this bill, ways to have more cases into Federal court. So what does the Federal court system think of this idea?

Well, the man who is at the top of the Federal court system, Chief Justice William Rehnquist, in a rare, rare occurrence, sent a letter to Congress saying: Don’t do this; don’t push these cases into Federal court. We don’t have the expertise, the judges, or the time to consider the class action cases coming out of State court. It is understandable.

The Federal court’s first responsibility is in criminal cases, such as on the war on terrorism, and all the concerns we have about criminal procedure. That is their first responsibility.

Then they have their own civil docket, where you have individuals suing one another, and companies suing one another. Chief Justice Rehnquist says: Be careful about civil procedures. We don’t push all these class action cases into the Federal courts; we cannot handle them.
You would think, would you not, that some of the Members of the Senate, when coaxed by the Chief Justice of the Supreme Court not to push all these cases into Federal court, might stop. But they will not. The reason they are pushing this bill is they have been told they have the prize. The prize is that the corporate defendants found guilty and liable want to be protected from liability or want their liability reduced. They don't care what the Chief Justice has to say. They certainly don't care what the corporate defendants have to say.

I have some examples of class action cases so you can understand for a minute why these cases should be of concern to everybody. These are not cases that involve large corporations alone; they involve a lot of ordinary citizens.

To give you an example, do you remember the Jack-in-the-Box restaurant scandal a few years back? In that scandal, it was found that Jack-in-the-Box restaurants were selling products which had been undercooked and, because of this, they were adulterated, dangerous, and there were children dying as a result. So a class action lawsuit was brought against the company that owned Jack-in-the-Box. Foodmaker, Inc., on behalf of some 500 victims—mainly children who had been to Jack-in-the-Box and got sick. Those 500 victims came together to hold Jack-in-the-Box, a Washington State corporation, to the court. Of course, yes, it should be held liable to the tune of $14 million for 500 plaintiffs.

Now, what this bill tries to do is to move that case out of the State court in Washington and into a Federal court so the amount of the verdict—if there was one—would be considerably less. That is good for the bottom line of that corporation. Is it fair to the families who went to the Jack-in-the-Box restaurants in States across America and thought they were going to get a wholesome product, safe for their children to eat, and then the parents watched their children die from E. coli, and not have their day in State court, where Jack-in-the-Box said they were submitting to the jurisdiction? I don't think so.

There was a class action lawsuit in California against Beech-Nut Corporation and its parent company, Nestle. They were guilty of selling something they knew was dangerous, after being examined, turned out to be nothing more than sugar water. Parents were buying what they thought was nutritious apple juice for their infants, and the company was selling them fraudulently a product marked apple juice but was literally sugar water and a little coloration. Blame went back and forth between companies and suppliers, and the court ultimately decided these two companies, Beech-Nut and Nestle, were liable to the tune of $35 million to be reimbursed to consumers across America.

What companies such as Nestle are trying to do with this bill is reduce their liability and make it even more difficult for parents, each of which may have been out only $10 or $20, but each had given a product to their children that was misrepresented and fraudulently labeled. This is designed to help those powerful special interest groups and corporations at the expense of consumers such as those parents whose children were receiving this adulterated product.

Ford Motor Company had a class action to replace defective ignition systems in millions of cars that stalled often on the highways.

Mobil Corporation entered into a $14 million settlement agreement in a class action suit because there was a refinery in New Orleans resulted in sending volatile and hazardous compounds into the air and it caused great health damage to the people living around them. Blue Cross and Blue Shield paid a $14.6 million settlement in a class action suit because they fraudulently billed individuals and failed to pass on savings to consumers. They ended up paying for it.

American Airlines breached a contract with frequent fliers when it retroactively changed rules for redeeming mileage awards.

The point is that each and every one of these lawsuits, for each plaintiff, may seem small. But compounded, they represent a large amount of liability for the corporation and they represent, in fact, a large number of people, each with a small recovery. Frankly, if these are things we can and should do to make class action suits better in this country, J ohn Breaux of Louisiana, who has been a friend of business and has worked with them over the years, has a good substitute bill. Many who have called me from the business community say I urge you, for goodness' sake, to take a look at the Breaux substitute. It is a sensible bill. It will clean up some of the worst abuses in class action lawsuits. But it is not going to get into this game-playing that is suggested in this bill that allows defendant corporations to literally pick the Federal court they want to go into in the hopes they will have reduced liability or no liability. That is what it comes down to.

I think this debate before us is a lot more important than some lead to believe. Some suggest we are more interested in modifying and strengthening tort law in America. It is much more. It is a question of whether the courthouse door is open for the average citizen. It is a question of whether those people, wronged by giant corporations, have an opportunity for a day in court. Those who back this bill want to close that courthouse door and make it difficult to open. They want these plaintiffs to be moved into a Federal court where they are less likely to succeed, and if they do succeed, then receive a compensation. That is to me unjust and that is the reason we should oppose this legislation.

I hope my colleagues will think long and hard before they sign on to this bill thinking it has no impact. It has a great impact on a lot of innocent people who deserve a day in court. Justice is at stake here. I urge my colleagues not to accept the easy argument that the Supreme Court has simpler to do with the heart of justice in this country, and it does not affect the real abuses in the system which I believe the Breaux bill does.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama, Mr. Sessions, Mr. President, I want to make one thing clear: I am not here to provide any unfair benefit to any corporation or any defendant. We want fairness and justice in the legal system. But in a major class action case, under the current state of the law, a plaintiff lawyer who represents perhaps potential plaintiffs all over America—let's say a class action case—can virtually choose any county in America to file the lawsuit. He can choose some counties that have only one judge, and perhaps he knows precisely what that judge thinks about plaintiff lawsuits. Or maybe he thinks there's no jury. That is just fact.

Let me state what the Constitution says about it. Sure, a corporation has to register to do business in a State, but the Constitution, in article III, section 2 of the courts' power says this: 'In all Cases, in Law and Equity . . . between Citizens of different States . . . . And corporations are considered domiciled in that place of domicile. Fundamentally, what has happened over the years is we have eroded the constitutional protection of diversity by rulings that allow plaintiffs to sue not only the foreign corporation from another State, but to sue some entity also as a defendant in that State, and the courts have concluded you have to have total diversity before you can remove it to Federal court. That has been a problem, allowing the real payor, the real target to be subject to jurisdiction in virtually any county in the country.

I am not here for any injustice. I think we have a pattern of injustice going on in class action lawsuits. We can make them better. They would be better in a more objective tribunal of Federal judges who have lifetime appointments. They are not so tied to the plaintiff lawyer who may go to church with them or have contributed to their campaign or the jurors might not be buddies with some of the folks, and you have a more objective court. That is a fact. That is why the Founding Fathers said what they said.

In sports we talk about home cooking. I know the hometown the President is from in Tennessee. It is such a wonderful place. It would treat foreigners just as fairly as local people, but most communities tend to favor the local guy from somebody
Mr. President, those are the remarks I wish to make at this time. I will have some more later. I see the distinction I wish to make at this time. I will have some more later. I see the distinguished Senator from South Carolina is here, Senator GRAHAM, who is an experienced legislator in his own right. I know he wants to speak on this subject.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I will be brief. I wish to speak about class actions and echo what my friend from Alabama said. I have tried very hard during my time being a legislator at the State and Federal level to make sure when legal reform is accomplished it is done so in a balanced way.

I am not a big fan—I think many of my colleagues know this—of the Federal Government taking over State legal systems. If you can do it at home, it is better to do it at home. I am not a big fan of deciding what is fair before the jury meets. We have honest differences on some of those issues.

Having said all that, there is a huge need for legal reform. I cannot tell you one system in America that really doesn't need to be reformed, the legal system included. My friend from Alabama is absolutely right. What we are trying to do today is correct an abuse. The Constitution, as he read to us, envisioned a dynamic where we would have two people from different States and we would not want to put one person in the other person's backyard. The Constitution has survived so long and so well, and it spoke to that and said: Let's take that into Federal court, a neutral side.

As the diversity clause of the Constitution has been interpreted, it requires complete diversity of all plaintiffs and all defendants. About 100 years later, maybe 200 years later—I don't know when class action lawsuits came into being—there is another way of suing people. It has its place in our society to bring a bunch of people affected by a similar event in different places to try as a unit rather than doing hundreds or thousands of individual cases. But this class action concept flies in the face of the Constitution, as it was intended, and the reason I support Mr. Sessions' amendment is I think it corrects an abuse. It gets us back to the constitutional model that everyone envisioned where if you have a diversity—and this is what class action is all about, bringing a lot of people together from disparate places and groups to try a case in a forum that is convenient to everybody and in a logical way, that one would want a fair forum. I think Senator FEINSTEIN's amendment was perfect. If there are two-thirds of the plaintiffs in any one State, it stays in State court. If there are half the people in one State, the judge can decide whether to remove it. If less than a third are in a particular State, then it goes to Federal court. To me, that is a perfect compromise. It makes a lot of sense.

I have no problem voting for this because we are correcting abuses. This is one way to reform our State legal system.

Mr. Sessions. Mr. President, will the Senator yield for a question?

Mr. GRAHAM of South Carolina. Yes. Mr. SESSIONS. Is the Senator aware that the letter I believe the Senator from Illinois was referring to is actually a letter from the Judicial Conference, not from the Chief Justice and, in fact, they have written another letter on March 26 of this year in which they actually warm up to this idea, and that the legislation, as we are now proceeding, answers a number of the questions they had originally?

Frankly, I know they don't want any more work. I can guess. But I think many of these problems may have been solved.

Mr. GRAHAM of South Carolina. Mr. President, I am more informed than when I began this debate. That is good for me and good for the public. I did not know that. It makes a lot of sense. I find it a little odd that people would be opposed to the level that was being portrayed.

The idea that we should not do this in Federal court, I think we can accommodate it. I am all for having more Federal judges, and we will talk about that in just a moment, but the bottom line, and the reason I am voting for this particular legislation is it is not correcting an abuse. It gets us back to the constitutional model that everyone envisioned where if you have a diversity—and this is what class action is all about, bringing a lot of people together from disparate places and groups to try a case in a forum that is convenient to everybody and in a logical way, that one would want a fair forum. I think Senator FEINSTEIN's amendment was perfect. If there are two-thirds of the plaintiffs in any one State, it stays in State court. If there are half the people in one State, the judge can decide whether to remove it. If less than a third are in a particular State, then it goes to Federal court. To me, that is a perfect compromise. It makes a lot of sense.

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As the diversity clause of the Constitution has been interpreted, it requires complete diversity of all plaintiffs and all defendants. About 100 years later, maybe 200 years later—I don't know when class action lawsuits
really do. There is a backlog in this country in certain courts, and one of the people being nominated by President Bush is William Pryor from Alabama. He has been nominated to a seat that has been declared a judicial emergency by the Judicial Conference of the United States.

All I can say about this case is that my friend from Alabama should be very proud of the nominee who has been put forward by President Bush. Bill Pryor is the attorney general of Alabama. That is a political job, and oftentimes the hardest thing for lawyers to do is to be a good lawyer when politics are involved because the thing I love most about the law is that it is a place to go where polling does not matter and where the popular cause does not always win out.

Sometimes the unpopular cause has its day in a courtroom. It could never win otherwise. Our Founding Fathers were brilliant in creating a system where popularity meant a lot in the area that we live, but a courtroom is a place where it should be quiet, and there is a special bond and women who are listening to the facts of one's case and no matter whether someone is rich, poor, regardless of their background, it is a place they can go to be listened to, where maybe the crowd would not listen to them. That is what I love so much about the law. It is a place where people who could not get a fair shake in the popularity world of politics could get a fair shake where people would listen to their individual claim, where the unpopular may have its day.

When one is attorney general, they get elected by their people, but they are also required to enforce the law, and the enforcement of the law is to give people who are not popular their day in court. What I am looking for in a judicial nominee is someone who can be very passionate about life's issues and questions but can also be very fair. President Bush has done us a great favor to send Bill Pryor forward. I have met him. I have talked to him. He is the kind of young man I think most of us would want our child to grow up to be, the son we would love to have. He is academically qualified, rated by the American Bar Association as extremely qualified. People from all walks of life who know him like him. If my colleagues met him, they would find him a charming young man. He seems to be somebody who is sure of who he is and what he believes.

A lot of this filibustering that is going on now has behind it the issue of abortion. Special interest politics is very strong in America, and it has its place. Groups need to band together and speak out about things they have in common. I think our job as Senators, when it comes time to look at judges, is not to judge somebody on whether they are just pro-choice or pro-life. I am a pro-life person, and I agree with Bill Pryor. He is a very passionate man. He is a very honest man about his pro-life beliefs.

There will come a day when there will be a Democratic President and maybe I will be in the Senate and that Democratic President may send up a pro-choice person. I think my job is to see whether or not they can take their beliefs seriously enough to put them aside when it comes time to be a judge. All I can say about Bill Pryor is that when he was attorney general he had the obligation to review a statute that the State of Alabama passed—the Senate attorney must certify about partial-birth abortion, something we just did today. This is an emotional area. People are very emotional about partial-birth abortion. We are evenly divided on early-stage abortions, abortions in the early stages of pregnancy. It is about 50/50. But when it gets to the seventh, eighth, and ninth month, about 75 to 80 percent of Americans say we should not be having abortions on unborn children at that stage in pregnancy unless the mother's life is at stake.

We had about 60 Senators today vote for that. For 8 years now, we have been voting on that concept. So it is an extremely popular concept. A lot of people buy into it who are not strictly pro-life. There are some pro-choice people today who voted to ban partial-birth abortion. So that is an issue that has a lot of emotion and a lot of momentum behind it.

He read the statute and he issued an opinion that had to make him the skunk of the garden party. He issued an opinion that said: I read the statute and I do not think it will meet constitutional muster. If anyone has talked to him at all, they know he is a very serious, pro-life person. So I argue to my colleagues, this is exactly the kind of young man or woman they would be looking for to promote, to be able to take the politically popular event, put a good legal analysis on the event, make a decision that is not going to sell well. That is exactly what I am looking for in somebody to be a judge, and the Senators from Alabama should be very proud they have sent a very noble person forward.

There are other examples of doing things that just are tough. My State of South Carolina had in our constitution for the longest time a ban on interracial marriage. One does not have to be a rocket scientist to figure out how the worst thing we could do, in my opinion, is to take the political disagreement he brings to the job, then America is hurting because we have let politics get into the judicial process in an unhealthy way. There will be many more days and many more hours to talk about this. I look forward to talking to anybody who will listen about why I believe so strongly that we should allow the nomination of this young man to be voted on on the Senate floor—he has come out of committee—and why he would make a fine Federal judge.

I, again, let the Senator from Alabama know I am sorry that he and his colleagues from Alabama have to go through this. I am sorry for Mr. Pryor's family, that they have to go through this. But there will be some fighting back going on. I urge my colleagues on the other side of the aisle, if you continue to do this, inevitably here is what will happen. The next time there is a Democratic President there will be special interest pressure placed on our party over here on the Republican side to do exactly the same thing to some other nominee who may be equally qualified. The next thing you know, we are going to have a situation where good men and women will not put themselves through this. They are going to say it is not worth it.

One of the things that came up in the hearing about Bill Pryor was that he and his wife were going to take their daughters, I believe, to Disney World. Disney World had Gay Pride Day that day, and they made a decision not to go on that particular day. I am uncomfortable for me to talk about that. I imagine it is very uncomfortable for Bill Pryor to have to talk about things like that. That has no
place in the evaluation process, because what is the purpose of that? “Yes, we got you now. You must hate gay people because you and your wife decided not to go to Disney World on a particular day.”

His conclusion was: It was a family decision that my wife and myself made. But I promise you that if anybody comes before me as a judge, that I will honestly and fairly deal with him.

We are getting into areas of people’s personal lives that are not self-sustaining, that are unhealthy, that will drive good men and women away if that is what you are going to have to put up with to try to serve your country.

The bottom line is, we are going to have some fussing and fighting about what is right for Bill Pryor and others, but if we don’t wake up we are going to ruin 200 years of history that has worked and we are going to drive good men and women away from wanting to serve their country as a judge and all of us lose.

I yield the floor.

The PRESIDENT OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from South Carolina. I have very strong feelings about Bill Pryor. He is one of the finest nominees ever to be submitted to this body. I have no doubt about that. He needs an up-or-down vote. If he receives one, he will be confirmed.

We started out the debate tonight talking about the class action reform bill that is before us. We are seeking to consider the bill, but we are still debating the motion to proceed to the class action bill. I see the distinguished chairman of the Finance Committee here, Senator GRASSLEY, to speak on that legislation. I will be speaking on it further tonight, also.

I am pleased to yield to him.

The PRESIDENT OFFICER (Mr. COLEMAN). Of course, Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to address my colleagues, as I did last night, on a bill of which I am the sponsor. It came out of the Senate Judiciary Committee on which I serve with very broad bipartisan support. It is called the class action lawsuit reform legislation. There has been a lot said about that legislation today that I would like to address.

I did listen with great interest, yesterday, to speeches made by my colleagues across the aisle, and I fear they greatly misrepresent the bill and the problems facing the class action system, so I will spend a few minutes setting the record straight.

First, my colleagues are trying to characterize this bill as special interest legislation and are suggesting that the President is pushing this as part of some rightwing agenda.

Given that I introduced this bill with my Democratic colleague from Wisconsin 6 years ago, I am surprised that my colleagues think that this President Bush’s idea is bad and part of some rightwing special interest agenda because Senator Kohl, a Democrat from Wisconsin, would not be interested in participating in any effort of a rightwing conspiracy.

Anyway, Senator Kohl and I put this bill together because there is unfairness in the system. Lawyers are getting rich while consumers and plaintiffs are getting worthless certificates and coupons. The current system has select State county courts deciding policies and interpreting laws for people that ought to be decided only even in the Federal court, when they affect all 50 States. Some county judge in Illinois should not be making a decision that is going to affect consumer law of 49 other States.

That flips, as you know, the Federal system on its head, and it needs to be fixed. Our legislation fixes it. I think that wanting to fix this problem makes sense. It is not part of some rightwing agenda. It is a very key economic issue in our country.

This term “special interest legislation” is amusing in several other ways. The real special interest here is the plaintiffs bar; they are fighting this bill with everything they have. Crafty lawyers are making out like bandits by bringing frivolous class action lawsuits and settling cases where they get all the money are the ones with the big special interest in this legislation because, if this bill passes, judges will have to scrutinize settlements to make sure that lawyers are not unfairly getting more money for their professional services than they ought to get.

Also, if this legislation passes, these very same lawyers will not be able to do what we call forum shopping—finding the best county judge someplace in the country who is sympathetic to their cause, before whom they can go and win for sure.

Of course, I have the Judicial Conference. In this bill, it would be required to figure out a way to make attorney’s fees more reasonable and settlements more fair. So it looks like the biggest special interest with a dog in this fight is the plaintiffs bar.

I heard a lot of talk on the floor about how critical class actions are, and I would be the first to suggest that there is a place in our legal system for class action suits. They are a good, enabling way for people collectively to recover for their injuries in cases where it might not be worth while for an individual to do that by himself or herself.

Somehow, my Democratic colleagues think this bill is the end of class action suits, and that is entirely wrong. Our bill leaves the important tool of class actions right where it is, in rule 23 of the Federal Rules of Procedure, and similar rules in most of the individual States. But the bill just allows more class action suits, those that ought to be nationally and obviously national in scope, to be heard in the Federal courts.

In-State class action suits will continue right along in State courts and large national class actions will continue right along in the Federal courts. Consumers will still have their day in court. That is very important. Our bill does not take away their ability to sue as an individual or to sue as a class.

Another claim I have heard yesterday was that our bill allows defendants to remove a case to Federal court at any time, even on the eve of a trial. Senator BREAUX says he is worried about this problem and his alternative would fix it. The claim is just plain wrong. Our bill does not change the current removal rule. Under that rule, a defendant can remove a case within 30 days of receiving notice that a case is removable. That is a good rule and one we do not need to change. I do not appreciate people saying we are changing it when we are not changing it. Our bill will allow the President under the Constitution to decide that a defendant can move only a case within 30 days of receiving a complaint or an amended complaint. To say a defendant under our bill can willy-nilly remove a case at any time or even while a jury is deliberating a case is not the case under the current rule. It is not the case with this bill which does not change the current rule.

There are some other potential problems with the proposal by my friend Senator BREAUX that he talked about yesterday, but I will be happy to look at any amendments he has available. One thing he said sticks out in my mind. Senator BREAUX suggested if a class of plaintiffs is injured in Louisiana and a class is injured by an out-of-state meatpacker—that was the example he used—they should be able to sue the meatpacker in the State court. He describes a pure diversity case which under the Constitution belongs in the Federal court. He is proposing to turn constitutional diversity jurisdiction on its very head. That does not sound like a very good idea to me. His approach would allow the same rampant forum shopping we currently have.

Senator Breaux’s alternative would not fix any of these abuses and, in fact, his alternative plan makes things much worse.

Another misstatement that concerned me is this claim that the bill before the Senate is not the same bill that came out of committee; that the mass action language materialized out of thin air; that we are trying to pull this over our colleagues’ eyes. Not true, again.

First, the Class Action Fairness Act—the bill before the Senate, the bill that I am sponsoring—included a provision dealing with mass actions when it was first introduced. If you look at the transcript of the committee markup, they would find, and I think they would probably remember this, that Chairman HATCH of the Judiciary Committee says the bill includes a provision dealing with mass action in committee. In the condition that Senator SPECTER and Senator FEINSTEIN worked on compromise language to be included in the
bill when it got to the Senate floor. It is in the RECORD. Nobody is pulling any wool over anybody's eyes.

Chairman HATCH, Senator SPECTER, and I collaboratively reworked the mass action language, had Senator Feinstein come over and sit down with us. We did it. In fact, we made modifications she requested and then we ran it by all of the original cosponsors of the Class Action Fairness Act. So the claim this bill is somehow unexpected and that we are hiding the ball is an unfair, untrue statement.

I also heard opponents of the bill claim this bill will hurt consumers, will hurt civil rights litigants, will hurt tobacco plaintiffs, and will hurt gun victims. The reality is that class actions will continue to be brought in both Federal and State court after this bill becomes law. I don't understand what the big fear is about the Federal courts deciding some of these cases. In fact, I remind my colleagues many of these tobacco and gun manufacturers and civil rights violations have for years been routinely filed in the Federal courts of America. The claim that somehow taking a big national class action out of State court will hurt these folks just does not hold water.

Another claim we heard yesterday was Chief Justice Rehnquist opposes this bill. For months we have been hearing that the Chief Justice opposes the bill, and for months we have asked for proof of the claim. There is no proof. Why continue to quote him? Maybe this claim comes from a letter the Judicial Conference sent to the last Congress criticizing certain aspects of the older version of the bill. Justice Rehnquist is the de facto chair of the Judicial Conference. They must be making a gigantic leap to claim he had problems with parts of that old bill. The fact of the matter is, currently the Judicial Conference, which Chief Justice Rehnquist chairs, supports many things about this bill and has publicly thanked the Congress for taking up this issue. It offered a few ideas last spring for determining which cases should stay in the State courts and which ones should go to the Federal courts, and our Feinstein compromise addressed some of those very ideas suggested by the Judicial Conference Chief Justice Rehnquist chairs. We are going to hear a lot about class actions during this debate. Many of them will be important cases. Two things I ask my colleagues to remember regarding a good, necessary class action: First, it is very possible our bill will not have any effect whatever on the case. Second, the only effect our bill might have is just to make the case eligible for Federal court where the case was filed. In fact, many of the cases discussed yesterday sounded to me as if they would either be unaffected by this bill or could be proceeded to in Federal court.

I know there are Members of this body who will not ever support this bill. They will never go up against the plaintiffs bar. They will never go up against those personal injury lawyers. They would say the present system, even though it gives lawyers millions of dollars and little old consumers a coupon for some product they will never receive and part of an airplane ticket for some place they are never going to go, somehow is OK. I hope they will check their facts before they make statements against this bill even though they may never vote for it. They are intellectually correct as they make their points.

I have taken this opportunity to set the record straight. That ought to give us the number of votes it takes to get beyond a Democrat filibuster and move forward on a bill that has passed the House three times in 6 years and ought to pass the Senate and ought to go to the President. We ought to have fairness in our court system. When consumers need to be protected, we ought to have the benefit of winning the case, not their lawyer. The PRESIDING OFFICER, the Senator from Alabama.

Mr. SESSIONS. I thank the distinguished chairman of the Finance Committee and the Judiciary Committee, for his leadership on this legislation for quite a number of years. He is a champion of common-sense fairness in the legal system. That is all we are talking about.

I agree with Senator GRASSLEY, I cannot imagine why anybody thinks that Federal courts, which have been the champion of liberties for Americans for years and years, are somehow now not fit to handle complex interstate class action lawsuits. It just boggles the mind. It is not sound logic. That argument is driven by the objections being made by the plaintiff lawyers who are interested in these cases. They want to be able to file them wherever they choose. They want the erosion of their ability to do so, and they are calling in their friends on the other side of the aisle, and some of them are responding.

It was referred to earlier that these are big corporations that need to be dealt with and we ought to be able to sue them, presumably, in any county in America you choose to sue them in. I do not believe that is what was contemplated by our Founding Fathers.

I agree with Senator Grassley, that what I think the class action was contemplated by the Founders. But by using the device of naming in-State defendants for suing a defendant in the state he does business in, plaintiff lawyers have been able to break the diversity and keep it in State court.

We want people who have been injured to be compensated, and we want to make sure they are adequately compensated and that their compensation is legitimate and fair, and that the attorneys get paid a legitimate fee, and not get a huge fee and little or no compensation to the victims. The ugly truth is, in a lot of these cases, the corporations really just want the lawsuit to go away and pay any plaintiff the "Trial Lawyers, Inc." is larger than that of Microsoft, Coca-Cola, and other companies of that size. It is a huge industry. They contribute aggressively to political campaigns, and they promote their agenda aggressively. It is the kind of agenda I do not want to be right to do so. But I would just suggest that those who would argue that the only wonderful people in this deal are the plaintiff lawsuits may not be so correct.

Another study has shown 2 percent of the gross domestic product of this country goes to litigation costs. That is double what the other countries in the industrialized world are paying for litigation costs, and it is an extraordinary figure. It is a figure that is paid for not by just big corporations, it is paid for by every single American when they take out insurance or the little old people who have even gone forward. The lawyer would not proceed, probably, if they did not have money to pay and did not have insurance. They have insurance, so you are sure damage verdict gets rendered, and the insurance company pays it. What does the insurance company do? They raise the rates on everybody who is paying premiums. Innocent people are paying the penalty imposed by the litigation system.

So we really need to think about how this system is working. I want it to work better. This is a modest step. As I noted earlier, the Constitution contemplates that lawsuits between people from two different States would be in Federal court. That is the diversity clause in the Constitution which has been the way things work for a long time. But the way things are working now, you can attempt to be an in-State defendant, then in many instances you can make the case stay in State court. This process is allows a plaintiff to essentially pick the forum they want to pick.

I agree with Senator John D. Rockefeller that McDonald's for a problem in their entire system that affects people all over America, then that case ought to be in Federal court, unless you are located in the State where McDonald's is headquartered. I agree with Senator Rockefeller that what I think this bill is attempting to contemplate by the Founders. But by using the device of naming in-State defendants for suing a defendant in the state he does business in, plaintiff lawyers have been able to break the diversity and keep it in State court.

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So the clients get paid little and the attorney gets paid a lot. There is a conflict of interest and a tension there for people who are sensitive to it. We are seeing that in these cases. That is what Senator GRASSLEY was talking about.

Too often, in recent years, however, these lawsuits have become a vehicle by which some trial lawyers are cashing in at the expense of the plaintiff class. The most troublesome aspect is that in many of these class actions the lawyers do not even know the clients, and in some cases does not even have a client. In these situations a lawyer first discovers a potential claim he or she thinks is a good one, and then runs around and finds a client to be the named vehicle for the lawsuit. The end result is often not justice for the plaintiffs, and enrichment for the attorney. I know of a case in which the client—the named plaintiff—in the case died, and the lawsuit went on with no real party there for months before the attorney discovered his client had died. The attorneys were running the lawsuit, proceeding as they chose, with so little communication with their supposed client that they did not even know the person had died.

Not always. This is not always the case. A lot of these lawsuits are handled fairly and objectively, but we are seeing abuses there on a regular basis.

For some cases they have not been able to show any damages, yet the lawyers have still received huge amounts of money. For example, the Toshiba case. In this case, a class action suit was filed in Texas. It concerned a technical defect in the "floppy disk controllers" of Toshiba laptops. There were no allegations that the asserted defect had resulted in injury to any user, and not one customer had ever reported a problem. Faced with potential liability of $10 billion, Toshiba decided they needed to settle this claim. They were willing to pay the class members received as their payment between $200 and $400 off any future purchases of Toshiba products. In other words, they got a settlement—a discount on future purchases of a Toshiba product—only if they bought products from the defendant again in the future. The two named plaintiffs, the ones who were working with the attorneys, presumably got $55,000, and the plaintiffs’ attorneys received $147 million. That is a lot of money. The fact that most class members only benefitted from the lawsuit if did business with the defendant in the future is not unusual. Many was simply wanting the lawsuit to be over, they were willing to pay the lawyers whatever fee they asked for, and give some sort of token settlement to the class members, and get out of this thing, just to take the suit away even though no real damages had happened to the class members as of that date.

Lawyers are supposed to represent real clients who have been truly harmed. They are ethically bound to represent the clients’ interests foremost, far above their own interests. Class action lawsuits are designed to be available when lawyers realize that an entire class of people have been harmed in the same way that his client was. Class actions should not become a feeding trough for attorneys. Class actions should not be a situation where good advocates figure out a way, by adding unrelated defendants, to file actions in friendly courts or to use other methods to utterly maximize the benefit from their side of the litigation, while ignoring the fairness overall.

I respect lawyers. I believe in them. I do believe that we need to be careful about expanding Federal jurisdiction. We don’t want to do this willy-nilly. But we also need to be careful to ensure that State courts cannot unfairly include class members from all over the country and bind them by the verdicts they render.

Federal jurisdiction is currently allowed in cases where there is a de minimis interstate commerce nexus. We
know that from civil rights cases and plaintiffs cases and civil cases. If there is a Federal nexus, you can file it in certain cases in Federal court. I believe it is certainly appropriate, when we are dealing with a national corporation, dealing with clients in every State in America. Just as we have

The bill offered by Senators GRASSLEY and KOHL would help eliminate some of these class action abuses. We have talked about class action problems for a very long time. I believe it is time to stop talking and get moving and pass a bill that will help class action plaintiffs be treated fairly in this entire process. I hope we can have a healthy debate and move this legislation that reforms class action forward.

I am also pleased to see, as I conclude these remarks, the distinguished chairman of the Senate Judiciary Committee, Senator ORRIN HATCH. He has these remarks, the distinguished chairination that reforms class action forward. This is time to stop talking and get moving some of these class action abuses. We

I think I will like attention to a recent poll showing that the overwhelming majority of Americans believe that class action lawsuits benefit attorneys at the expense of their clients. Look at this chart. "Opinions on class action lawsuits; who benefits most from class action lawsuits." Lawyers for the plaintiffs, the public says—47 percent believe the lawyers benefit the most. They are right, especially in these frivolous suits we have been referring to. Buyers of products, 5 percent don't know; 20 percent say the lawyers benefit companies. So of the total opinion of the American people think the lawyers benefit the most from class action lawsuits—the ones they are bringing the suits for. Only 9 percent of the American public think the injured parties or the victims are the ones who benefit; 12 percent don't know; 20 percent say the lawyers benefit companies. So of the total opinion of the American people in a poll conducted, with an error margin of plus or minus 3.5 percentage points, a total 37 percent of the American people think the lawyers are the ones who benefit from these class action suits; 67 percent believe class action lawsuits are a virtual bonanza for lawyers. The public is not too dumb; they are right.

In stark contrast, the poll shows only 9 percent of Americans believe the class action lawsuits benefit the victims or the plaintiffs themselves. When the public perception of class action lawsuits in our civil justice system is so negatively skewed, I find it difficult to say with a straight face this bill somehow advances "a special interest." However the "special interest" we are really talking about is that belonging to one Hilda Bankston. Who is Hilda Bankston? This is Hilda in the photo. A beautiful woman, a decent person. I can tell you with certainty she is not a tobacco company. She is not a gun manufacturer or somebody who polutes the environment. Hilda Bankston and her husband Mitch owned Bankston Drugstore in Fayette, MS, a small local pharmacy where Mitch worked as a pharmacist. The Bankstons were dragged into hundreds of lawsuits filed by class action attorneys in the State of Mississippi by virtue of owning the only drugstore in Jefferson County. Their small business became a prime target for forum-shopping class action attorneys in pharmaceutical cases.

The Bankstons' nightmare began in 1999 when Bankston Drugstore was named a defendant in the fen-phen diet drug class action lawsuit simply for filling a prescription written by a doctor—something they were supposed to do. Since then, plaintiffs lawyers have filed hundreds of pharmaceutical lawsuits against Bankston Drugstore. Every time a big drug maker was sued, even if the company was located in New York or California, plaintiffs lawyers added Hilda Bankston and her husband as defendants—this hard-working owner of a single drugstore—just because she sold that drug from her neighborhood drugstore, which was her obligation to do.

Even though Mrs. Bankston no longer owns the drugstore, she continues to be named in these lawsuits. She traveled cross-country to testify against the bank of the mass actions provision of the bill, which forced the majority leader to (rejection from the other side of the aisle)

I also understand the ranking member expressed surprise and concern over the lone difference between S. 274 as reported out of the committee and the rule XIV version of the bill, S. 1751. This is an every-day citizen just trying to fulfill the American dream—that makes this bill so compelling. I also understand the ranking member on the Judiciary Committee, observed accurately that the days remaining in this session are numbered and that floor time is indeed precious. But what puzzles me is if there is such a premium for time, then why in the world are we faced with a Democrat filibuster on the motion to proceed to a bill? Usually, if you are going to filibuster, you filibuster the bill. So we all know what is going on here.

From what I know, based on the remarks yesterday from the ranking member and others, I understand that there is an objection to proceeding to S. 1751 because it has been characterized by some as "special interest legislation." What "special interest" are we talking about? Are we talking about the "special interest" of millions of consumers throughout the country who are affected every day by class action abuses, or are we talking about the "special interest" of the everyday American worker who stands to lose...
good faith is, at best, a misunderstanding and at worst a deliberate attempt to mislead. You make the decision, you make the judgment on that. I know what I think.

By way of background, I want to explain why I am opposed to the provision. When the original bill, S. 274, was marked up during committee last April, the committee members agreed to an amendment offered by Senators Feinstein and Specter striking two provisions in the bill only to find from the understanding that the language would be modified and replaced before floor consideration. The first provision defined private State attorneys general actions as class actions within the meaning of the bill. These are statutory actions a private citizen can bring on behalf of the general public. My colleague from California, Senator Feinstein, expressed specific concern over this provision because she believed it would interfere with an existing California statute permitting such representative actions. This provision has remained out of the bill.

It is the second provision that necessitated the rule XIV alternative. This second provision is what we commonly refer to as the mass actions provision. A mass action is a civil action seeking to try the claims en masse of all plaintiffs and defendants in a single trial, but pursued without the procedural due process prerequisites for litigation as a class action. Mass actions are usually heavily in certain States such as West Virginia and have been used to unfairly consolidate for trial diverse claims of as many as 8,000 plaintiffs from over 35 States against over 250 defendants. These actions are especially problematic because they proceed without satisfying any of the standard class action prerequisites, such as commonality and typicality of claims.

Although the original bill contained a provision that defined mass actions to qualify as class actions, my colleague Senator Specter raised a specific concern over the scope of the provision and moved it be stricken. It was the most shocked to find claims that something somehow or another had not been properly handled. Although we are entitled to use it. The Democrats have used it time after time, as have Republicans. There are no surprises here. I was the most shocked to find claims that something somehow or another had not been properly handled. Again, that is pure bunk, and everybody knows it. But I suppose when we have television in the Senate, we are going to see that type of argument made from time to time, even though it doesn’t hold water and can’t stand the light of day.

We provided advance notice and opportunity to review the text to our Democratic sponsors and the sponsors of the amendment so they could all verify that no other changes were made. That is good faith, in my view. We gave advance notice of our intended use of this device for a provision we made clear to everyone we intended to modify. So I am particularly baffled as to what it is we are accusing our committee is calling this a mystery. This is no mystery. We did exactly what we said we would do when we marked up this bill in committee, and the bill was voted out with a partisan vote of 12 to 7, but, of course, the distinguished Senator from Vermont didn’t vote for the bill in committee. That may be what is behind these types of comments. He never has been for this bill.

I submit the all is fair in love and war. This being war, they can say whatever they want on the floor of the Senate, even though it is totally wrong. I believe rule XIV is the most appropriate way of handling the unique set of circumstances leading to the revision of the class action provisions, especially in light of the limited number of days remaining in this session. Given the number of pressing appropriations issues facing the Senate in the coming days and this short time to present the little time to present a valuable floor time debating as a separate amendment a provision that the key Republican and Democratic members have already worked out in good faith. It is even more absurd to be forced to debate a motion to proceed to this bill.

There is only one reason for that. That is to delay, delay, delay, and hopefully bollix up everything at the end of this session so nothing gets done. I ask my colleagues to support the motion to proceed to S. 1751, the rule XIV version, the Class Action Fairness Act of 2003.

A Senator got on the floor and made a number of what I thought were outrageous comments as well pertaining to this being a special interest piece of legislation. This is a people’s bill. The biggest losers under the current system are the people. Lawyers sue companies and negotiate settlements in which they get all the money. So consumers get ripped off twice: Their lawyers rip them off by taking the settlement money that is supposed to go to them, and then they have to pay for the pay-off to the lawyers at higher prices.

What is the current system? That was an argument made yesterday. The class action bill would not protect the wealthy. It is the opponents of the bill who are trying to protect the wealthy—the wealthy trial lawyers in this case. Although all lawyers are to be criticized, some actually are good lawyers who actually do what is right within the law. In fair class actions that really are brought to help people. We are talking about the few law firms that need reform to amass their riches by ripping off consumers in bad settlements. We have shown that throughout this debate.

Senators raised the issue of defective products, protecting gun manufacturers. The only successful class action against gun manufacturers, the only case in which any relief was awarded was in Federal court. That is what we are trying to do here, and they act as if the Federal court is not capable of handling these cases? This doesn’t stop legitimate class actions. It just says there is no longer going to be these phony forum-shopped cases in corrupt jurisdictions where there are corrupt judges and where jurors don’t realize they are saddling all of America with these outrageous verdicts that pay off the attorneys but do very little for consumers or for the plaintiffs who are supposedly the real victims.

I heard the argument yesterday that Justice Rehnquist is opposed to this bill. Opponents keep saying Chief Justice Rehnquist opposes the bill, but whenever we ask for a citation to that opposition, we get absolutely nothing. They talk about the Judicial Conference letters, but those letters do not express opposition to the bill that was reported out of committee.

How about forum shopping? Defendants cannot forum shop. The plaintiff always gets what he or she wants. If the law is filed in State court, they can often choose precisely the judge who will hear the case. All the defendant can do is remove to Federal
court where the case will be heard by a randomly selected judge, not a stacked, forum-shopped deal with a corrupt judge or maybe not even a corrupt judge, but one who just believes the plaintiffs should win no matter what the facts of the case. I think that is corruption. It is nonsense to say defendants can forum shop or that forum shopping is the purpose of this bill. That is nonsense. Yet that is what one of our distinguished Senators was saying yesterday.

How about the scalpel argument? Any suggestion that this class action problem is concentrated in a handful of State courts is wrong. It is a problem in many places, and if you fix it in one place, the party moves to some other court in some other town.

How about Madison County, IL, by the way? We had two Senators from Illinois speak: One just found Madison County to be the most circumspect county in the country. The other said that the judges are some of the most honest giving the number of class actions that have been certified, but sometimes it takes time before getting a class certified, but sometimes it takes a while.

By the way, just moving to get a class certified in Madison County where it is almost granted at will is enough to scare any corporation because once that happens, that corporation is in real trouble, and so are that corporation's employees who are likely to lose their jobs, their income, their health care, and their pensions if the company moves into bankruptcy.

We have heard allegations that under the class action bill, a defendant can remove a case at any time, even on the eve of trial. The current removal statute, 28 USC section 1446(b), provides that a case must be removed to Federal court “within 30 days after the defendant's receipt . . . of a copy of the [complaint] in the action.”

This class action bill would not change that rule. The allegation that a class action bill would allow a case to be removed to Federal court at any time is ridiculous. But that is what we are getting used to from those who argue against this important bill.

Now why do they do that? Why can they not see these simple, easy to see facts of life? Well, I hate to say it but I think it is coming down to the fact these trial lawyers are the biggest hard money funders of many of these people who will vote against this bill. They get whatever they pay for. They can rely on their friends in the Congress to ignore what really should be ethical and good changes in the law and to stand in the way of those changes.

That is what is happening here.

That is taking the sugar coat off, but that is what is happening. The fact is that we have people in this body who will vote for the trial lawyers no matter how wrong they may be.

Now I happen to know a lot of good trial lawyers who are doing a great job. I am speaking about this select group of trial lawyers who really are giving the legal profession a bad name, who are in it for the money so they can support their own particular candidates, live in high style, be influential in their respective communities, most of which are outside of Madison County, by the way, and who can just afford to do anything they want to do and are used to doing anything they want to do.

I happen to know a lot of good trial lawyers who are honest and decent, who really fight hard for their plaintiffs, for people who were wronged, for victims, and who are disgusted with what is happening. They are taking procedural advantage, monetary advantage, of forum shopping in this country. It is coming to the point where even the American Trial Lawyers Association is starting to get split on these types of issues because they realize that some of these people are giving trial lawyers who are good, honest, decent, hard-working trial lawyers a bad name, because they are getting jumped into the term “trial lawyers” all the time with these people who are bad actors, who are after the money.

Now, they paint a very big picture about how they are in it for the little consumers, but look at the coupon settlements. Look at the amount of money they are getting in fees. Look at the way the consumers have been ripped off. Look at the cost to society. Look at the companies that are in shambles and can no longer employ people. Look at the unfairness of forum shopping. Look at the unfairness of corruption.

I commend trial lawyers who are honest and decent and who bring decent class actions. They know they can win in Federal court just as much as they can win in State court, but they also know they cannot forum shop as well in Federal courts.

Now, one can still forum shop but not nearly like they can in a number of jurisdictions in this country in certain counties where, as a matter of fact, judges are offered lock, stock, and barrel by various political interests.

Well, I have kept us long enough, but this is an important bill and to filibuster even the motion to proceed to the bill, at this late date, leads only to one conclusion and that is unfairness, doing it at any cost, fear to debate this bill straight up and down, fear to have votes straight up and down. The reason they are afraid is because they know if Senators were permitted to vote their consciences this bill would pass overwhelmingly, if it were not for the untold influence of big class action money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. If the Senator will yield, based on his experience, it is indeed an unusual thing that we have a filibuster of a motion to proceed to a bill that has this kind of bipartisan support. Is it not?

Mr. HATCH. No question that we usually do not have a filibuster on a motion to proceed, because if any of my colleagues are going to filibuster, they know filibustering the motion to proceed, they can delay a vote on that for 3 days. Then they can filibuster the bill and delay that for another 3 days, which eats up 6 days at a crucial time of the year when we are trying to do all of the appropriations bills, a prescription drug benefit and Medicare reform, asbestos reform, judges, a whole raft of other very important issues, including the Energy bill. So by eating up all this time it makes it difficult to pass all of these matters, and it makes one wonder what in the world is behind all of this.

Mr. SESSIONS. I think it is particularly telling, I say to the Senator, because this is not like the circumstances we had when the Demo- crus were in the majority and Senator DASCHLE called up the entire Agriculture bill, or the entire Energy bill, which were huge bills, under rule XIV, that had not been addressed in the committee. This bill had hearings in committee and we voted for it 12 to 7. There was only one basic change to the bill.

Mr. HATCH. It was a bipartisan supported bill. Democrats and Republicans support this bill. It will pass if Senators are permitted to vote their consciences and are permitted to vote up or down without the phony delays of a filibuster, especially a filibuster on the motion to proceed.

By the way, rule XIV is an effective rule of the Senate. Both sides have
used that in order to expedite consider-
ation of matters and everybody under-
stand that, and everybody can then de-
bate. Mr. SESSIONS. I just recall when 
Senator DASCHLE was the majority 
leader, he brought huge legislation 
outside of the committee that could 
not have been passed in the committee. 
We were forced to debate that legisla-
tion on the floor under rule XIV. To 
say there is some procedural problem 
here, Mr. Hatch has managed the 
bill through the committee process, 
which we have debated the bill, and 
when we have voted on the bill in 
committee, it came out 12 to 7, is baf-
fling. As far as rule XIV is concerned, 
everybody was given notice of what 
would happen, this is just pure obstruc-
tionism. This is just an excuse to 
delay, delay, obstruct, obstruct.

We are coming to the end of this leg-
islative session. We have a lot of things 
to do. One of the things we absolutely 
ought to do is make this happen. This is 
bill to fix class action litigation in 
America. It is the right thing to do. It 
has the overwhelming majority support 
of the Members of this body. Yes, it has 
the opposition of a small but powerful 
little group of trial lawyers who make a 
lot of money in the political cam-
paigns, but it is the right thing to do, 
and we ought to move forward with it. 
I think there is every reason for 
those who believe in improving the 
legal system to be upset at the obstruc-
tionism that we are facing by a major-
ity leader who has approved this. I 
think if we had some leadership on the 
other side by Senator DASCHLE, we 
could move this bill. To lay back is to 
allow the trial lawyers to control this 
matter.

There are a lot of reasons why we 
ought not have a single state judge in 
Madison County, as the Senator said, 
trying cases that have impact all over 
America. There are better A Federal 
court, with a Federal judge, with a 
quality group of law clerks, a fine staff, 
and by far a smaller caseload than 
most State judges have—I would say on 
the average, in my experience, that the 
State judges would carry maybe 10 
times as many cases on their docket as 
a Federal judge has on the Federal 
court docket. The Federal judges give 
more attention to the cases and they 
have more ability to focus on a case. 
There is the ability to issue subpoenas 
without a bill that is upset at the obstruc-
tionist at issue. There is the ability to 
issue subpoenas. There are prohibitions on 
the payment of bounties. It makes it more 
difficult, when you are facing a fair judge who you believe 
will rule on the law and give you a fair 
shake, not in a county that has a repu-
tation of just hammering defendants in 
favor of the attorneys who file the 
cases. That allows defendants to lig-
gate with integrity, and not feel they 
must just pay up, almost in the form of 
blackmail, to get the matter away so 
they can go on about their business. 
This is not a fair way to do business. 
This bill has a lot of good things in it 
that will make this area of the law, 
class action, better, more fair, and 
more objective. I thank the chair and I yield the 
floor.

Mr. President, I suggest the absence 
of a quorum. Mr. Norris. The clerk will call the roll. 
Mr. Sessions. Mr. President, I ask 
unanimous consent the order for the 
quorum call be rescinded. The 
PRESIDING OFFICER. Without 
objection, it is so ordered.

MORNING BUSINESS
Mr. Sessions. Mr. President, I ask 
unanimous consent that there now be a 
period of morning business, with Sen-
ators permitted to speak for up to 10 
minutes each. The PRESIDING OFFICER. Without 
objection, it is so ordered.

TRIBUTE TO BRECK WALL
Mr. Reid. Mr. President, I rise today 
to express my congratulations and best 
wishes to my longtime friend and fel-
cow, Mr. Treve Brody. 
Born in Jacksonville, FL in 1934, Mr. 
Wall has lived an interesting and excit-
ing life. As an entertainer, he has 
known many talented and famous peo-
ple in the world of show business. He 
has also crossed paths with well-known 
people in other walks of life. In the 
early 60s, he performed in the Dallas 
nightclub owned by Jack Ruby, the 
man who shot Lee Harvey Oswald. 
The Las Vegas Sun has called 
Breck "one of the most durable performers in 
the world," and that is no exaggera-
tion. This year he is celebrating the 
45th anniversary of a show called "Bot-
toms Up," which he created in 1959 at 
the old Adolphus Hotel in Dallas. 
Breck beat the show with slapstick 
vaudeville comedy, which explains its 
long-running appeal. The show is very 
Las Vegas, therefore, is enjoyed all 
over America.

After producing "Bottoms Up" in 
Dallas and Houston for several years, 
Breck brought the show to Las Vegas 
in 1964, and he has never left. 
The show is now a Las Vegas insti-
tution. It has played at many of the fin-
ishing houses in town, including Treasure Point, 
Palace and the old International Hotel 
where Elvis used to perform—now the 
Las Vegas Hilton. It is currently enjoy-
ing a run of several years at the Fla-
mingo.

Breck has done more than 15,000 per-
fomances of this show, but he never 
gets tired of it . . . and neither do the 
audiences. The secrets of his longevity 
are a strong work ethic, and the kind of 
good nature that brings a smile and 
laughter to everyone who meets him. 
I first met Breck in 1977 when I was 
chairman of the Nevada Gaming Com-
mission. We were introduced by some 
mutual friends at an event, and we ex-
changed a few jokes. I could imme-
diately sense Breck’s warmth and his 
sweet wit.

We really became good friends a few 
years later, when I ran for Congress 
and Breck helped me with my cam-
paign. Breck has produced shows for my 
campaign that have been exciting, 
entertaining and fun.

Helping others is typical of Breck 
Wall. Despite the demands of his trav-
els and his work, he always finds time 
to contribute something to his commu-
nity.

Most recently, he participated in the 
Golden Rainbow’s 17th annual “Ribbon of 
Life” AIDS benefit at the Paris hotel in Las Vegas. This summer show 
helped raise more than a quarter of 
a million dollars for an organization 
dedicated to helping the men, women, 
and children living with HIV and AIDS.

I ask all my colleagues to join me in 
sending our good wishes to Mr. Breck 
Wall as he celebrates the 45th anniver-
sary of “Bottoms Up,” a Las Vegas 
entertainment tradition.

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, Sen-
ator Kennedy and I introduced the 
Local Law Enforcement Act, a bill that would add new 
categories to current hate crimes law, 
sending a signal that violence of any 
kind is unacceptable in our society.

I would like to describe a horrific 
crime that occurred in West Hol-
lywood, CA. After hugging a male friend 
outside of his home in September 2002, 
actor Treve Brody was beaten with a 
baseball bat. Mr. Brody was in a coma, 
and spent 10 weeks in the hospital after 
being struck in the back of his head. 
He suffered memory loss and impaired 
vision that prevents him from reading or 
driving.

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.

MISCELLANEOUS

Mr. LEAHY. Mr. President, as one Member of Congress who believes that we have a strong interest in broadcasting and strengthening our relations with Mexico, I was appalled to read a recent Washington Post article entitled “Three Americans Jailed in Bizarre Mexican Land Dispute.”

Mexico is a country of 100 million people. We share a border. We share a wide range of cultural, economic, political, and other interests. Yet our history has been a troubled one, and the election of Vicente Fox offered an historic opportunity to begin to build a new relationship based on trust, mutual understanding, and shared goals.

Regrettably, President Bush, who shortly after his inauguration spoke convincingly of his intention to give a high priority to U.S.-Mexican relations, has failed to turn those words into action. Little has been accomplished. I am afraid that once again, the hopes and aspirations of both Mexicans and Americans will be for naught.

The President needs to recognize that as important as the Middle East and the Persian Gulf are to U.S. and global security, we have vital interests right here in our own hemisphere. I remember how during the 1980s we spent billions of dollars to wage proxy wars in Central America. Yet when those wars were over, we turned our back.

Today, with the exception of our counter-drug programs in the Andes, which as we have seen recently in Bolivia are of dubious merit, we spend a pittance to support economic and political development in these countries. The majority of whose people remain impoverished and without meaningful political or legal rights. Our policy is short sighted and it will cost us in the long run.

Of all countries in the hemisphere, none is more important to U.S. interests than Mexico. It would be difficult to think of any issue—immigration, terrorism, trade, infectious disease, water security, environmental pollution, or organized crime—that does not cry out for broader cooperation. I hope President Bush, and his capable new Assistant Secretary of State for Western Hemisphere Affairs, Roger Noriega, will give high priority to attention to these issues during the remaining years of President Fox’s term.

I mention this because earlier this year, I sponsored, with Senator Reid, Senator Daschle and others, an amendment which authorized $300 million to be spent in Mexico to promote micro credit programs, small business entrepreneurship, private property ownership, and support for small farmers who have been affected by adverse economic conditions. I felt it was important to make a strong statement, through legislation, that we need to devote significant resources to help address these problems. Our amendment was adopted, and it is my hope that we can now see some progress on these fronts.

The American Embassy in Mexico is following the case closely, and recognizes that these three people have done nothing wrong. To the contrary, they have generously cared for an ailing, elderly American, Russell Ames, who lost his wife in 1998. His daughter-in-law, who moved with her husband to Mexico in 1988 in exchange for lifetime rights to remain in Mexico, was ordered to be printed in the number of dollars in investments when they were evicted from oceanfront homes they bought in Ensenada in the western state of Baja California. U.S. officials have blamed the losses on a lack of consistency and transparency in Mexican property laws. At least half a dozen more major disputes are pending over property owned by Americans along the Caribbean coast.

“We are being held hostage,” Mary Ellen Sanger, one of the three jailed Americans, said in an interview published here.

Sanger, a native of Schenectady, N.Y., said she had been assigned latrine-cleaning duty in the prison and slept on a concrete floor with 44 other women in a communal cell.

Sanger has been a caretaker, feeding, dressing and walking with Ames for almost three years. Joe Simpson, widow of the man who is about 72 and suffering from late-stage terminal throat cancer, has been a caretaker on the property for more than a decade. He is now under police guard at a Oaxaca hospital, where U.S. Embassy officials who visited him said he was in grave condition.

Despite their long-standing ties to Ames and the property, the three were arrested on Oct. 6 and charged with violently taking possession of the land on May 1. U.S. officials said the arrest warrant claimed the three Americans moved onto the property that day in a conspiracy to take the land for themselves, charges that carry a penalty of three to 14 years in prison.

“That’s the stupidest thing I’ve ever heard,” said Ames, who was being fed dinner and ice cream by Sanger when a squad of police officers arrived at his house. “They took care of me for several years. I felt enormously lucky to be taken care of by them. Most people my age don’t have anybody, or are just miserable.”

The underlying issue behind the arrests is the dispute over the land where Ames lives, a parcel worth an estimated $250,000 in one of Mexico’s most popular tourist destinations.

Ames said the sale of his land to the university was part of a charitable donation. Records show that the property was in the name of his wife, Jean Ames, who transferred ownership to the university for $4,000, half of its assessed value at the time. Jean Ames said and his wife later received that money; the listed purchase price was simply a legal formality for tax purposes. In return, the university agreed to allow her and her husband to live in the property for the rest of their lives, and to pay them up to $4,000 a year.
Barbato said. (Erica L. Groshen and Simon Potter)

into leaving his property and dropping his

lives there.

' If he's saying that I have no rights here

at all, that's ridiculous.' Ames said. "We

were dealing with a lot of people in the

university and he knew it was coming.

He sent me a letter saying he was going to

hire a lawyer. I said, 'You're going to

have to go through the proper channels.

You can't just come in here and say I

want to start an eviction.'"

Ames said his wife lived together on

the land until Jan Ames died in 2000 at age

92. Then, in May of this year, Ames was

served with an eviction notice by the

university,

ordering him to pay nearly $40,000 in

back rent—$1,000 a month since the death

of his wife. Ames said he was stunned and

angry. He hired a lawyer and filed a civil suit

against the university, saying he no longer

wanted it to have his land. That case is pend-

ing.

Gertz said that following the death of Jan

Ames, Russell Ames should have sent the

university a letter asking permission to re-

main on the property. However, despite the

eviction notice, Gertz said Ames would "of
course" be allowed to stay on the property un-

til he dies if he seeks university permis-

sion now.

Gertz said Sanger, Simpson and Barbato

never asked the university's permission to

live on the property. Ames thought they were
trespassing and deserved to be arrested. But

Ames said he believes the three Americans

were jailed on trumped-up charges to intimi-
date him into leaving his property and dropping

his civil suit.

"I hope this is a big bluff, but I'm scared,"

Barbato said.

MAKING AMERICA STRONGER

Mr. LIEBERMAN. Mr. President, in September I

issued a major report on restoring U.S. manufac-
turing. I commend this report to my colleagues. It
can be found at www.Lieberman.Senate.gov.

The collapse of our manufacturing sector

is alarming. We have lost 14,000 manufacturing

jobs in the last 3 months and 2.8 million since

July of 2000. And this is during what is sup-

posed to be an economic recovery. In terms

of jobs, the U.S. manufacturing sector has

slipped every month for the last 38 months. In my

own State of Connecticut we have lost more than

14 out of every 100 manufacturing jobs in the

past 3 years, and it is cold comfort that we are not

the worst.

Our manufacturing sector is hem-

orrhaging jobs at a dismaying rate.

And not just jobs but industries. Economists at

the Federal Reserve Bank of New York recently

published an article outlining a current "jobless

recovery." Their conclusion is stark:

"Our inquiry into the reasons for the cur-

rent labor market slump suggests that struc-
tural change has played an important role.

Industries and regions during the

transition have continued to shrink during the

recovery, and permanent job losses have eclipsed

temporary layoffs." "Has Structural Change

Contributed to a Jobless Recovery?" (Erica L.

Groshen and Simon Potter)

As the report highlights, there are

many reasons behind these closed

plants, these lost jobs, these dev-

astated families. Fierce competition

from overseas competitors—some of

them playing on fields tilted distinctly

in their favor—has played a major role.

So did the severe recessions we are

facing. The only hope of recovery has

been the collapse of the telecom industry

which had severe con-

sequences for manufactur-

ers that served the electronics and information

technology industries. This report dis-

cusses a number of challenges and

problems facing American industry.

But the question re-

mains, "What does the Bush adminis-

tration intend to do about it?" Its

rec-

t recent acknowledgment of foreign coun-

try manipulation of their currencies is

welcome, but the Administration is not

using its current authority to rem-

edy this abuse; this is the key point

of my legislation, S. 1592, the Fair Curren-

cy Enforcement Act of 2003, dis-

cussed in depth in this report. Creating

an Assistant Secretary for Manufac-

turing Policy and Analysis

would strengthen auditor independence

and vision. It is all about gestures, not

actions.

Forgive me, but the time has come to

be blunt. Every sector of the American

economy plays a role in the strength of

our nation, but the role played by manu-

facturing is unique, and uniquely

important. To do nothing, to roll

over and play dead, is not the

American way. Sadly, it seems to be

the approach favored by the current

Administration.

The problems we face are complex,

the response needs to be thorough,

broad-based, and coordinated. That is

what this report is really about. Here

we present the broadest, most com-

prehensive and insightful plan to revi-

talize U.S. manufacturing yet pro-

posed.

We need to understand that trade is

not the problem, it is part of the solu-

tion. And we need to deal with the ob-

stacles raised in some countries to a

free and fair trade in American goods.

We need to invest in the future of manu-

facturing, in the research and develop-

ment of new, path-breaking manu-

facturing processes. We need to invest in

our workforce in the training and

education needed to excel and prosper

in a world labor market. We need to re-

invigorate partnerships between state

and Federal Government, and between

government and industry.

Indeed, this is not a task for govern-

ment alone. The proposals outlined in

this report call upon industry and aca-

demia, upon labor and management,

upon the private and public sectors to

contribute to the solutions we need.

It will require all of us, pulling to-

together.

I want to thank Michael Baum, along

with William Bonvillian and Chuck

Ludlam of my staff, for their efforts in

preparing what I believe will be a use-

ful and timely report.

AUDITOR INDEPENDENCE AND

TAX SHELTERS ACT

Mr. BAUCUS. Mr. President, I rise
today in support of Senator Levin's

bill, S. 1767, the Auditor Independence

and Tax Shelters Act. I am pleased to

be an original cosponsor. The Auditor

Independence and Tax Shelters Act

completes the legislation that I in-

troduced last year, the Tax Shelter

Transparency Act.

Just this year, the Tax Shelter

Transparency Act has been passed by
the Senate Finance Committee four
times—in the Energy bill, the CARE

Act, the Jobs and Growth bill, and

most recently as part of the J umps to-

tart Our Business Strength Act. The same

legislation has passed the full Senate

three times—in the Energy bill, the

CARE Act, and in the Jobs and Growth

bill.

Senator Levin's legislation shut

down tax shelter promotion from the

auditor and financial statement side

of the equation. Specifically, S. 1767

strengthens the legal requirement by

prohibiting them from providing tax

shelter services to their audit clients.

The legislation would also reduce po-

tential auditor conflicts of interest by

codifying four auditor independence

principles to guide the audit commit-

tees of the Board of Directors of a pub-

licly traded company, when that com-

mittee is required by the Sarbanes-

Oxley Act to decide whether the com-

pany may provide certain non-audit

services to the corporation.

The proliferation of abusive tax shel-

ters has been referred to as our na-

tion's most significant tax compliance

problem. The development, selling, and

buying of tax shelters has also been

characterized as a race to the bot-

tom. The New York State Bar Asso-

ciation said "the constant promotion

of these frequently artificial trans-

actions breeds significant disrespect

for the tax system, encouraging re-

sponsible corporate taxpayers to expect

this type of activity to be the norm,

and to follow the lead of other tax-

payers who have engaged in tax advan-

taged transactions."

Simply put, this is unacceptable. It

has been 2 years since the collapse of

Enron. The Sarbanes-Oxley Act took

significant steps to restore confidence

in corporate America. But, when it

comes to ensuring auditor independ-

ence, Sarbanes-Oxley did not go far

enough. The passage of the Auditor

Independence and Tax Shelters Act

will help ensure that last year's corpo-

rate reform efforts have their intended ef-

fect of restoring real independence to

the "independent audit."

This morning, the Senate Finance

Committee held a hearing on tax shel-

ters. We learned that the tax shelter

problem is widespread. Tax shelter

schemes are not just an Enron and Ar-

thur Andersen phenomenon. They are
developed and promoted by accounting firms, law firms, and investment banks. Many corporations and individual users purchase tax shelters.

To give you an idea of the burden they are placing on these honest taxpayers—estimates alone of tax shelters taken to shut down the tax shelters that we knew about saved the American taxpayer $80 billion. More recently, a study commissioned by the IRS estimates the current cost to honest taxpayers ranges from $14 billion to $18 billion a year. That is up to $100 billion over ten years. I am simply unwilling to tell the schoolteacher in Montana that he needs to pony up a little more. Because Congress is unwilling to shut down a loophole that is costing tens of billions every year.

However, since the collapse of Enron, the Congress has failed to enact a single piece of tax legislation to curb tax shelter abuses. The time has come to shut down these abusive practices. I urge all of my congressional colleagues in the House and the Senate—to support the Auditor Independence and Tax Shelters Act and the Tax Shelter Transparency Act and send both of these pieces of tax shelter legislation to the President for his signature by the end of the year.

TRIBUTE TO LUIS FERRE
Mr. CORZINE. Mr. President, today, an icon of Puerto Rico has passed away. I want to express my sadness at the passing of Luis Ferre, former Governor of Puerto Rico, only 4 months shy of his 100th birthday.

Luis Ferre was a great leader, businessman, and a faithful believer in social justice. Born February 17, 1904, in the city of Ponce, Puerto Rico, Ferre was a member of the Assembly that produced Puerto Rico’s 1952 Constitution. In 1969, he became the Island’s third governor of its new constitution. He established the Luis A. Ferre Foundation to support the development of the arts and the culture, and in 1991, received the Medal of Liberty from President George H.W. Bush.

I extend my condolences to the Ferre family and to all Puerto Ricans, on the Island and here on the mainland.

IN MEMORY OF GREG PALLAS
Mr. BREAUX. Mr. President, I rise today to pay tribute to an extraordinary man, a former senior staff member to this body and a good friend, Greg Pallas. Greg lost a long and courageous battle with a rare form of cancer, and passed away on October 17, 2003.

Greg was born on June 27, 1952, in Los Angeles. He graduated from the New York Military Academy and United States Naval Academy Class of 1973. After graduation, Greg served as a Naval Officer aboard the USS Kitty Hawk, U.S. Pacific Fleet, and then went to work at the Pentagon.

Following his distinguished career in the military, Greg continued to serve his country as an outstanding staff member of the United States Senate. For 18 years, Greg was Legislative Director and later Chief of Staff to our friend and colleague, Senator J. James Exon of Nebraska where Greg was instrumental in shaping the work of the Senate Budget Committee.

When Senator Exon retired in 1996, Greg left the Senate and became the Director of Congressional Liaison and Business Development at ITT Industries, Defense in McLean, VA.

Greg was a member of Emanuel Lutheran Church, the American Legion Post 199, the Military Order of the Carabao, the U.S. Navy Public Affairs Alumni Association and the Navy League.

Greg is survived by his loving and devoted wife, Diane McRee, one of my own dear friends and herself a longtime staff member to the United States Congress, and his cousin, Connie Traver.

I admired Greg. He cared deeply about the Senate and about his country. I know the entire extended family of the United States Senate joins me in sorrow at the loss of our friend.

We were privileged to know and to work with him, and we offer our condolences and prayers to Diane and to all of Greg’s friends.

ADDITIONAL STATEMENTS

TRIBUTE TO THE FERN CREEK QUILT LOVERS
Mr. BUNNING. Mr. President, I pay tribute to the Fern Creek Quilt Lovers for the charity and goodwill they have demonstrated to ailing children in Kentucky.

The Fern Creek Quilt Lovers, which is a group of approximately a dozen members, has for several years at the home of one of the members for “quilt work day.” The group sews in the morning, breaks for lunch, and then returns to the quilting work in the afternoon. This work has rendered over 500 quilts in the past several years, each of which has been donated to Kosair Children’s Hospital.

Kosair Children’s Hospital, a hospital in Louisville, KY, is home to many critically ill children. The most severely ill of these children in Kosair Children’s Hospital each receive a quilt as a gift of love and compassion. Often, as the Fern Creek Quilt Lovers hope, these quilts provide more than just warmth and comfort to these children, but hope as well.

I am grateful to the Senate to allow me to honor and recognize the Fern Creek Quilt Lovers today. I appreciate their loyalty to Kentucky and their community. They have been a shining example of leadership, hard work, and communal. They are an inspiration to us all through the Commonwealth. Congratulations, Fern Creek Quilt Lovers. You are Kentucky at its finest.

MESSAGE FROM THE HOUSE
At 12:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House had passed S. 591, an act to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the “Edward O’Grady, Waverly Brown, Peter Paige Post Office Building” without amendment.

The message further announced that the House has agreed to S. Con. Res. 66, a concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development worldwide on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy, without amendment.

150TH ANNIVERSARY OF THE VERMONT STANDARD
Mr. JEFFORDS. Mr. President, I congratulate The Vermont Standard on its sesquicentennial anniversary. The Vermont Standard is the hometown weekly newspaper of Woodstock, VT, which sits alongside the Ottauquechee River in Windsor County.

Every Thursday, residents of Windsor County can catch up on local sports scores, learn about their students’ recent achievements, and read columns written by their neighbors about wildlife, the outdoors, and community goings-on. Advertisements for area stores and businesses and photographs of neighbors at area events line the pages of the paper’s sections. News from each town in the “Town News” section is written by people who live in each town and who understand each town. Everybody receives The Vermont Standard and everybody reads it.

The Vermont Standard traces its origins back to April 29, 1853, when owner Louis Pratt, Jr. and editor Dr. Thomas Powers began publishing The Vermont Temperance Standard with the goal of stopping the consumption of alcohol and spreading the ideals of temperance. In January 1857, Wilber P. Davis and Luther O. Greene bought the newspaper, removed the word “temperance” from the title, and redefined its influence through its circulation to the abolition of American slavery. Following Greene’s death, the newspaper enjoyed a long line of respected owners, including W. H. Brown, W. H. Moore, Robert H. Matteson, Benton Dryden, Edward J. Bennett, and its current publisher, Phillip Cabot Camp.

As The Vermont Standard and its community celebrate this milestone, a group of local historians have been assembled as advisors during its anniversary. I congratulate the members of this executive board, including Publisher Phillip Cabot Camp, General Manager Jon Estey, Editor Kevin Forrest, Howard Coffin, David Donath, Peter Jennison, Corwin Sharp, Kathy Wendling, and Don Wickman.
The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 542. An act to repeal the reservation of mineral rights made by the United States when it purchased land from Martinat in Louisiana, were conveyed by Public Law 102–562.

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

H.R. 2048. An act to extend the period for reimbursement under the Fishermen’s Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000.

H.R. 3088. An act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the “Brigadier General (AUS-Ret.) John H. McLain Post Office”.

The enrolled bill, previously signed by the President, was read the first time:

H.R. 2920. Making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

The following communications were transmitted, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Avoca, Freeeland, and Wilkes-Barre, Pennsylvania)” (MB Doc. No. 03–65) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

H.R. 3027. An act to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The message further announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), as amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2651 note), the order of the House of January 8, 2003, and upon the recommendation of the Minority Leader, the Speaker appoints the following member on the part of the House to the Commission on International Religious Freedom for a 1-year term ending May 14, 2004 to fill the existing vacancy thereon: Ms. Patricia W. Chang of California.

MEASURES REFERRED

The following bills were read the first time and the second times by unanimous consent, and referred as indicated:

H.R. 542. An act to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102–562; to the Committee on Energy and Natural Resources.

H.R. 1821. An act to award a congressional gold medal to Dr. Dorothy Height in recognition of her many contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2048. An act to extend the period for reimbursement under the Fishermen’s Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000; to the Committee on Commerce, Science, and Transportation.

H.R. 2535. An act to repeal and improve the program authorized by the Public Works and Economic Development Act of 1965; to the Committee on Environment and Public Works.

H.R. 3068. An act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the “Brigadier General (AUS-Ret.) John H. McLain Post Office”; to the Committee on Governmental Affairs.

H.R. 3076. An act to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes; to the Committee on Governmental Affairs.

H.R. 3077. An act to amend title VI of the Workforce Investment Act of 1998, as amended by the Workforce Improvement Act of 2002; to the Committee on Labor and Human Resources.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

The following joint resolution was read the first time:

H.J. Res. 73 Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4831. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cove, Arkansas and Robert Lee, Texas)” (MB Doc. No. 03–143, 03–146) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4832. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mason and Fredericksburg, Texas)” (MB Doc. No. 03–14) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4833. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Avoca, Freeeland, and Wilkes-Barre, Pennsylvania)” (MB Doc. No. 03–140) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4834. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ridgecrest, California)” (MB Doc. No. 03–145) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4836. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ephraim, Wisconsin)” (MB Doc. No. 03–238) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4837. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “In the Matter of Application of Generally Accepted Accounting Principles for Federal Agencies and Generally Accepted Government Auditing Standards to the Universal Service Fund; Application of Generally Accepted Accounting Principles for Federal Agencies and Generally Accepted Government Auditing Standards to the Telecommunications Relay Service Fund” (MB Doc. No. 03–235) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4838. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grants, Milan, and Shiprock, NM, Van Wert and Columbus Grove, Ohio; and Lebanon and
EC-4847. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rapid City, South Dakota and Gillette, Wyoming)” (MM Doc. No. 00-186) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4848. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Part 2 of the Commission’s Rules to Further Ensure that Certain Commercial Fixed-Satellite Service for the Federal Government Use” (FCC01-130) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4849. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Review of Part 15 and other Parts of the Commission’s Rules” (FCC03-149) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4850. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arthur, North Dakota)” (MM Doc. No. 01-12) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4851. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 2.106 of the Commission’s Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service” (FCC02-160) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4852. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Longview, Texas)” (MM Doc. No. 03-121) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4853. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Manning and Moncks Corner, South Carolina)” (MM Doc. No. 01-158) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4854. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Houston and Anchorage, Alaska)” (MM Doc. No. 01-37) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4855. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wickenburg, Bagdad, and Aguila, Arizona)” (MM Doc. No. 01-156) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4856. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “In the Matter of Telecommunications Services for Individuals with Hearing and Speech Disabilities; Recommended TRS Charges for 2003 (FCC02-175)” received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.
Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

At the request of Mr. Feingold, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a co-sponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

At the request of Mr. Frist, the name of the Senator from Wyoming (Mr. Enzi) was added as a co-sponsor of S. 572, a bill to establish a congressional commemorative medal for organ donors and their families.

At the request of Mr. Santorum, the name of the Senator from Tennessee (Mr. Alexander) was added as a co-sponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, certify to its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

At the request of Mr. Dodd, the name of the Senator from North Dakota (Mr. Conrad) was added as a co-sponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to authorize $22,000,000 for the hiring of Additional Special Agents in certain high-cost areas, and for other purposes.

At the request of Mr. Brownback, the name of the Senator from Connecticut (Mr. Dodd) was added as a co-sponsor of S. 1353, a bill to establish new special immigrant categories.

At the request of Mr. Levin, the name of the Senator from Wyoming (Mr. Enzi) was added as a co-sponsor of S. 1385, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

At the request of Mr. Hatch, the name of the Senator from Nevada (Mr. Reid) was added as a co-sponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

At the request of Mr. Allard, the name of the Senator from Idaho (Mr. Craig) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

At the request of Mr. Fitzgerald, the names of the Senators from Oklahoma (Mr. Nickles) and the Senator from Michigan (Mr. Levin) were added as co-sponsors of S. 1567, a bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes.

At the request of Mr. Hatch, the name of the Senator from Massachusetts (Mr. Kerry) was added as a co-sponsor of S. 1568, a bill to amend the Internal Revenue Code of 1996 to simplify certain provisions applicable to real estate investment trusts.

At the request of Mr. Hatch, the name of the Senator from New York (Mr. Schumer) was added as a co-sponsor of S. 1622, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

At the request of Mr. Brownback, the name of the Senator from Connecticut (Mr. Dodd) was added as a co-sponsor of S. 1622, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

At the request of Mr. Alexander, the names of the Senators from Idaho (Mr. Crapo) and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of S. 1628, a bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act.

At the request of Mr. Grassley, the name of the Senator from Washington (Ms. Cantwell) was added as a co-sponsor of S. 1637, a bill to amend the Internal Revenue Code of 1996 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

At the request of Mr. Craig, the names of the Senator from Colorado (Mr. Campbell), the Senator from Arkansas (Mr. Pryor) and the Senator from Oklahoma (Ms. Box) were added as cosponsors of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

At the request of Mr. Cochran, the name of the Senator from South Carolina (Mr. Graham) was added as a co-sponsor of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

At the request of Ms. Collins, the name of the Senator from Alaska (Ms. Murkowski) was added as a co-sponsor of S. 1741, a bill to provide a site for the National Women's History Museum in the District of Columbia.

At the request of Mr. Grassley, the names of the Senators from Oklahoma (Mr. Nickles) and the Senator from Colorado (Mr. Campbell) were added as cosponsors of S. 1744, a bill to prevent abuse of Government credit cards.

At the request of Mr. Hatch, the name of the Senator from New Hampshire (Mr. Sununu) was added as a co-sponsor of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure
faire outcomes for class members and defendants, and for other purposes.

At the request of Mr. Sessions, the name of the Senator from Ohio (Mr. Voinovich) was added as a cosponsor of S. 1751, supra.

S. CON. RES. 21

At the request of Mr. Bunning, the name of the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. CON. RES. 58

At the request of Mr. DeWine, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. Con. Res. 58, a concurrent resolution expressing the sense of Congress with respect to saving wetlands, or offering to change the law to save wetlands. The bipartisan resolution expresses the sense of the Senate that Congress adhere to its obligations under a safety-of-the-Islamic Republic of Iran to the Nuclear Non-Proliferation Treaty.

S. CON. RES. 72

At the request of Mr. Daschle, the names of the Senator from Massachusetts (Mr. Kerry) and the Senator from New York (Mr. Schumer) were added as cosponsors of S. Con. Res. 72, a concurrent resolution commemorating the 60th anniversary of the establishment of the United States Cadet Nurse Corps and voicing the appreciation of Congress regarding the service of the members of the United States Cadet Nurse Corps during World War II.

S. CON. RES. 73

At the request of Mrs. Feinstein, the names of the Senator from Kansas (Mr. Brownback) and the Senator from Maryland (Ms. Mikulski) were added as cosponsors of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguard agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Leahy (for himself, Ms. Snowe, Mr. Burns, Mr. Jeffords, Mr. Lautenberg, and Mr. Dodd):

S. 1766. A bill to amend the Food Security Act of 1985 to prohibit the use of certain conservation funding to provide technical assistance under the conservation reserve program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. Leahy. Mr. President, today I am pleased to introduce bipartisan legislation with Senators Snowe, Burns, Jeffords, Lautenberg and Dodd to restore the conservation funding committed by Congress and the administration to farmers and ranchers in the 2002 farm bill.

Despite the historic conservation funding levels in the 2002 farm bill, family farmers and ranchers offering to restore wetlands, or offering to change the way they farm to improve air and water quality, continue to be rejected when they seek USDA’s Department of Agriculture (USDA) conservation assistance. Producers are being turned away due to USDA’s decision earlier this year to divert $358.7 million from working lands conservation programs to pay for the cost of administering the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP) despite a clear directive in the 2002 farm bill that the USDA use mandatory funds from the Commodity Credit Corporation (CCC) to pay for CRP and WRP technical assistance. In particular, USDA is diverting $1.77 billion from the Environmental Quality Incentives Program (EQIP), $7.6 from the Farmland and Ranchland Protection Program (FRPP), $14.6 million from the Grasslands Reserve Program, and $8.6 million from the Wildlife Habitat Incentives Program (WHIP) to pay for CRP and WRP technical assistance.

Although the 2002 farm bill clearly intended USDA to use CCC funds to pay for CRP and WRP technical assistance, USDA continues to ignore Congress’s intent. The plain language of the statute and the legislative history, including a relevant committee report, support this interpretation of the farm bill, and the General Accounting Office (GAO) concurred in a recent memo. I ask unanimous consent that the GAO’s memo be printed in the Record following my remarks.

Our legislation would override USDA’s decision and prevent funds from working lands incentive programs like EQIP and WHIP from being diverted to pay for the technical assistance costs of CRP. The House Agriculture Subcommittee on Conservation has already directed the agency, in its 2007 legislation, H.R. 201, requiring each program to pay for its own technical assistance needs. Our legislation parallels that effort, by requiring CRP to pay for its own technical assistance needs. Simply put, our amendment would require the Administration to honor the 2002 Farm Bill and mandate that technical assistance for each program is derived from funds provided for that program.

By providing more than $6.5 billion for working lands programs like EQIP and WHIP in the 2002 farm bill, Congress dramatically increased funds to help farmers manage working lands to produce food and fiber and simultaneously enhance water quality and wildlife habitat. For example, EQIP helps share the cost of a broad range of land management practices that help the environment, include more efficient use of fertilizers and pesticides, and innovative technologies to store and reuse animal waste. In combination, these working lands programs are one of the key reasons farmers need incentives they need to help meet our major environmental challenges.

Full funding for working lands incentive programs like EQIP and WHIP is vital to helping farmers and ranchers improve their farm management and meeting America’s most pressing environmental challenges. Because 70 percent of the American landscape is private land, farming dramatically affects the health of America’s rivers, lakes and bays and the fate of America’s rare species. Most rare species depend upon private lands for their survival, and many will become extinct without help from private landowners. When farmers and ranchers take steps to help improve air and water quality or assist rare species, they can face new costs, new risks, or loss of income. Conservation programs help share these costs, write these risks, or offset these losses of income. Unless Congress provides adequate resources for these programs, there is little reason to hope that our farmers and ranchers will be able to help to meet these environmental challenges.

In addition, USDA conservation programs promote regional equity in farm spending. More than 90 percent of USDA spending flows to a handful of large farmers in 15 midwestern and southern States. As a result, many farmers and ranchers who are not eligible for traditional subsidies—including dairy farmers, ranchers, and fruit and vegetable farmers—rely upon conservation programs to boost farm and ranch income and to ease the cost of environmental compliance. Unlike commodity subsidies, conservation payments flow to all farmers and all regions. But the farmers and ranchers who depend upon these programs—farmers and ranchers who already receive a disproportionately small share of USDA funds—have faced a disproportionately large cut in spending this year.

It is time for Congress and the administration to honor the intent of the 2002 farm bill, by fully funding working lands conservation programs. The failure to adequately fund these working lands conservation programs is having a dramatic impact on both farmers and the farm economy and could become worse in future years if Congress does not address this matter. I urge my colleagues to support this important legislation.

There being no objection, the additional material was ordered to be printed in the Record, as follows:
FUNDING FOR TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS ENUMERATED IN SECTION 2701 OF THE 2002 FARM BILL

OCTOBER 8, 2002

Hon. HERB KOHL,
Chairman.

Hon. THAD COCHRAN,
Ranking Minority Member. Subcommittee on Agriculture, Rural Development, & Related Agencies, Committee on Appropriations, U.S. Senate.

Hon. HERB KOHL,
Chairman, Subcommittee on Agriculture, Rural Development, FDA & Related Agencies, Committee on Appropriations, House of Representatives.

Subject: Funding for Technical Assistance for Conservation Programs Enumerated in Section 2701 of the 2002 Farm Bill

This responds to your letter of August 30, 2002 (form Chairman Bonilla) and September 16, 2002 (from Chairman Kohl and Ranking Minority Member Cochran) requesting our opinion on several issues relating to funding technical assistance for the wetlands reserve program (WRP) and the farmland protection program (FPP). You asked for our views on the following issues:

(1) Does the annual limit on fund transfers imposed by 15 U.S.C. §714 (known as the section 11 cap) apply to Commodity Credit Corporation (CCC) funds transferred under the Impoundment Control Act (IPC)?

(2) Is the Department of Agriculture’s Conservation Operations appropriation available for technical assistance for the WRP and the FPP?

(3) Did the Office of Management and Budget’s (OMB) July 18, 2002, decision not to apportion funds for technical assistance for the WRP violate the Impoundment Control Act?

For the reasons given below, we conclude that:

(1) The section 11 cap does not apply to funds for technical assistance provided for the conservation programs enumerated in section 3841, title 16, U.S.C., as amended by section 2701 of the 2002 Farm Bill;

(2) The Conservation Operations appropriation is not an available funding source for the WRP and the FPP operations and associated technical assistance; and

(3) OMB’s failure to initially apportion WRP and FPP funds was a programmatic delay and did not constitute an impoundment under the Impoundment Control Act.

Further, since OMB has approved recently submitted apportionments for these two programs, and since budget authority for both the WRP and the FPP was made available for obligation, there was no impoundment of funds in fiscal year 2002.

BACKGROUND

Section 2701 of the 2002 Farm Bill, Pub. L. No. 107-171, 116 Stat. 53 (June 18, 2002) (codified at 16 U.S.C. §§3841 and 3842) amended section 1241 of the Food Security Act of 1985, 16 U.S.C. §3841, to provide that the Secretary of Agriculture (Secretary) shall use the funds of the CCC to carry out seven conservation programs, including the provision of technical assistance to, or on behalf of, the WRP and the FPP. The seven conservation programs named in the 2002 Farm Bill that are to be funded with CCC funds. In its June 19, 2002, apportionment request, the Department of Agriculture (Agriculture) asked OMB to apportion a total of $897,905,000 in CCC funds to the National Resource Conservation Service (NRCS) for both financial and technical assistance related to section 3841 conservation programs.

DISCUSSION

Section 2701 of the 2002 Farm Bill applicable to the Secretary to use CCC funds to carry out the definition of conservation programs, including the provision of technical assistance as part of these programs. As amended, 16 U.S.C. §3841, provides in pertinent part, as follows:

"For each of fiscal years 2002 through 2007, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the programs under subtitle D (including the provision of technical assistance):

(1) The wetlands reserve program under chapter C of chapter 1.

(2) The wetlands reserve program under chapter C of chapter 1.

(3) Did the Office of Management and Budget’s (OMB) July 18, 2002, decision not to apportion funds for technical assistance for the WRP violate the Impoundment Control Act?

For the reasons given below, we conclude that:

(1) The section 11 cap does not apply to funds for technical assistance provided for the conservation programs enumerated in section 3841, title 16, U.S.C., as amended by section 2701 of the 2002 Farm Bill;

(2) The Conservation Operations appropriation is not an available funding source for the WRP and the FPP operations and associated technical assistance; and

(3) OMB’s failure to initially apportion WRP and FPP funds was a programmatic delay and did not constitute an impoundment under the Impoundment Control Act.

Further, since OMB has approved recently submitted apportionments for these two programs, and since budget authority for both the WRP and the FPP was made available for obligation, there was no impoundment of funds in fiscal year 2002.

BACKGROUND

Section 2701 of the 2002 Farm Bill, Pub. L. No. 107-171, 116 Stat. 53 (June 18, 2002) (codified at 16 U.S.C. §§3841 and 3842) amended section 1241 of the Food Security Act of 1985, 16 U.S.C. §3841, to provide that the Secretary of Agriculture (Secretary) shall use the funds of the CCC to carry out seven conservation programs, including the provision of technical assistance to, or on behalf of, the WRP and the FPP. The seven conservation programs named in the 2002 Farm Bill that are to be funded with CCC funds. In its June 19, 2002, apportionment request, the Department of Agriculture (Agriculture) asked OMB to apportion a total of $897,905,000 in CCC funds to the National Resource Conservation Service (NRCS) for both financial and technical assistance related to section 3841 conservation programs.

SF 132, Apportionment and Reapportionment Schedule for Farm Security and Rural Investment Programs, Account No. 1221004, July 18, 2002. Of the amount requested, Agriculture requested $9.2 million for technical assistance to be provided under the conservation programs. In its July 18, 2002, apportionment, OMB apportioned all of the funds for financial assistance requested for the conservation programs, except $22.7 million designated for WRP and FPP technical assistance. Id. OMB reports that it did not apportion WRP and FPP technical assistance at that time, because OMB believed that the section 11 cap, 15 U.S.C. §714, limited the amount of funds that could be transferred from CCC to other government agencies for technical assistance associated with the section 3841 conservation programs, and that CCC funding of WRP and FPP technical assistance would exceed the section 11 cap. Letter from Philip J. Perry, General Counsel, OMB, to Susan A. Poling, Managing Associate General Counsel, GAO, 9/22/02. (emphasis added.) We note that the section 11 funding limitation applies only to funds transferred by the CCC to other agencies under the authority of section 11. The 2002 Farm Bill, which amended subsection (a) of section 3841, directs the Secretary to use CCC funds to carry out the Conservation Reserve Program (CRP) and the Farmland Protection Program (FPP), among other things. 16 U.S.C. §3841. The FPP provides independent authority for the Secretary to use CCC funds to carry out the Conservation Reserve Program (CRP) and the Farmland Protection Program (FPP), among other things. 16 U.S.C. §3841. The Conservation Reserve Program (CRP) and the Farmland Protection Program (FPP) are authorized by the Farm Security and Rural Investment Act of 2002 (form Chairman Bonilla) and September 16, 2002. In discussions with Agriculture, Rural Development, FDA & Related Agencies, Committee on Appropriations, House of Representatives, Chairman, Subcommittee on Agriculture, Rural Development, and the Agreement that the Farm Security and Rural Investment Act of 2002 (2002 Farm Bill)?

(2) The Office of Management and Budget (OMB) July 18, 2002, decision not to apportion funds for technical assistance for the WRP violate the Impoundment Control Act.

For the reasons given below, we conclude that:

(1) The section 11 cap does not apply to funds for technical assistance provided for the conservation programs enumerated in section 3841, title 16, U.S.C., as amended by section 2701 of the 2002 Farm Bill;

(2) The Conservation Operations appropriation is not an available funding source for the WRP and the FPP operations and associated technical assistance; and

(3) OMB’s failure to initially apportion WRP and FPP funds was a programmatic delay and did not constitute an impoundment under the Impoundment Control Act.

Further, since OMB has approved recently submitted apportionments for these two programs, and since budget authority for both the WRP and the FPP was made available for obligation, there was no impoundment of funds in fiscal year 2002.
Mr. COCHRAN. I thank the Chairman for the clarification, and I would inquire whether the legislation under consideration here today will fix the problem of the section 11 cap for conservation programs.

Mr. HARKIN. I thank the Senator from Mississippi for his attention to this important issue. Section 2701 [16 U.S.C. § 3841] of the Farm Security and Rural Investment Act of 2002 recognizes that technical assistance is an integral part of each conservation program. Therefore, technical assistance will be funded directly with funding for each program provided by the bill. As a result, for directly funded programs, such as the Conservation Security Program (CSP) and the Environmental Quality Incentives Program (EQIP), funding for technical assistance will come from the borrowing authority of the Commodity Credit Corporation, and will no longer be affected by section 11 of the CCC Charter Act.

For those programs such as the CRP, WRP, and the Grasslands Reserve Program (GRP), which involve enrollment based on acreage, the technical assistance funding will come from the annual program outlays appropriated by Congress. From the borrowing authority of the CCC, projects, activities, and programs, too, will no longer be affected by section 11 of the CCC Charter Act. This legislation will provide the level of funding necessary to cover all technical assistance costs, including training; equipment; travel; education, evaluation and assessment, and whatever else is necessary to implement the programs properly.

Mr. LUGAR. I thank the Chairman for that clarification. With the level of new resources and new workload that we are requiring from the Department, and specifically the Natural Resources Conservation Service, I hear concerns back in my state that program delivery should not be disrupted, and the gentleman has reassured me that will not happen.

148 Cong. Rec. S3097, 4020 (daily ed. May 8, 2002) (emphasis added). In our view, the Congress intended all funding for the seven conservation programs authorized in § 3841 (§2701 of the 2002 Farm Bill), including funding for technical assistance, to be mandatory funding drawn from individual program funds, rather than from CCC’s administrative funds that are subject to the section 11 cap. Accordingly, based on the language of § 3841, we conclude that the section 11 cap does not apply to technical assistance provided under the conservation programs enumerated in § 3841.

2. Availability of the Conservation Operations Appropriation. The next issue is whether the Department of Agriculture’s Conservation Operations appropriation is available for technical assistance for the WRP and the FPP. As noted above, this issue arose when OMB advised Agriculture that its Conservation Operations appropriation could be used to fund this technical assistance. For that reason, we conclude that Agriculture may not use its Conservation Operations appropriation to fund the WRP and the FPP.

The fiscal year 2002 Appropriation for the Conservation Operations account provides in pertinent part:

NATURAL RESOURCES CONSERVATION SERVICE
Conservation Operations


OMB asserts that the language of the Conservation Operations Appropriation and the Act of April 27, 1935 cited therein are broad enough to encompass the technical assistance that Agriculture will provide under the WRP, the FPP and the other section 3841 conservation programs. Since the technical services provided by Agriculture under the WRP and the FPP (and other section 3841 conservation programs) are very specific, the general purposes articulated in the fiscal year 2002 Conservation Operations appropriation, OMB considers the Conservation Operations appropriation to be a broad source of funding for technical assistance provided as part of the section 3841 conservation programs. In other words, the Conservation Operations appropriation is not able to continue financing for the WRP and the FPP, when, in OMB’s view, the section 11 cap limits the availability of CCC funds for those programs.
lands, and other activities supported within the NRCS conservation operations account. And, further, this action will relieve the appropriators of an often-reoccurring problem. Of course, that doesn’t mean other gentlemen aren’t opposed to it. The programs directly funded by the CCC—EQIP, FFP, WHIP, and the CSP—as well as the ace—CRP, WRP, and the GRP—include funding for technical assistance that comes out of the program funds. And this mandatory funding in no way affects the ongoing work of the NRCS Conservation Operations Program.

1/88 Cong. Rec. S 3797, 4020 (daily ed. May 8, 2002) (emphasis added). This colloquy underscores the requirement that the DFG Bill specifically requires that funding for technical assistance will come from the borrowing authority of the CCC and will not interfere with other activities supported by the Conservation Operations appropriation.

Furthermore, before passage of the 1996 Farm Bill, which made a number of conservation programs, including the WRP, mandatory spending programs, the WRPP received a separate appropriation for that purpose. In other words, before the 1996 farm bill provision providing CCC funding to carry out its functions, the WRP was not funded out of the Conservation Operations appropriation. Pub. L. No. 103-336, 108 Stat. 4263 (1994); Pub. L. No. 102-141, 105 Stat. 1182 (1992). Agriculture has previously concluded that the Conservation Operations appropriation is not available to fund technical assistance with respect to the mandated spending programs, including EQIP, FPP, WHIP, and the CSP. Memorandum from Stuart Shelton, Natural Resources Division to Larry E. Clark, Deputy Chief for Programs, Natural Resources Conservation Service, October 7, 1996 (Conservation Operations appropriation is not available to fund technical assistance for the Conservation Reserve Program); GAO/RCED–99-247R, Conservation Reserve Program Technical Assistance, at 6 (Aug. 5, 1999).

Thus, the Conservation Operations appropriation is not an available funding source for WRP operations and does not fund technical assistance. To the extent that Agriculture might have used the Conservation Operations appropriation for WRP, Agriculture could have only used its appropriated funds for that purpose, that is, deobligating amounts it had charged to the Conservation Operations appropriation and charging those amounts to the CCC funds. We note that in this event OMB would need to apportion additional amounts from CCC funds to cover such obligations.

2. Impoundment Control Act

The last question is whether OMB’s July 18, 2002, decision not to apportion funds for technical assistance for the WRP and the FPP constitutes an impoundment under the Impoundment Control Act of 1974. Based upon the most recent information provided by OMB, Agriculture did not initially apportion funds for the FPP or the WRP, the delay was programmatic and did not constitute an impoundment of funds. Also, based on information recently provided by the PRRO, the OMB did not initially apportion funds for the FPP or the WRP, the delay was programmatic and did not constitute an impoundment of funds. Therefore, in the event OMB did not initially apportion funds for the FPP or the WRP, the delay was programmatic and did not constitute an impoundment of funds. In any event, once funds were apportioned in fiscal 2002, OMB’s decision not to apportion funds for technical assistance under the Impoundment Control Act would not apply. See 5 U.S.C. 3106(a).

3. Where the Office of Management and Budget (OMB) initially did not apportion funds for technical assistance for the wetlands reserve program (WRP) and the farm protection program (FPP) because of OMB’s uncertainty concerning applicability of statutory funding restrictions, and where OMB subsequently approved the Department of Agriculture’s revised requests for the WRP and the FPP, the delay in apportioning funds was programmatic and did not constitute an impoundment of funds.

[1] In addition to the WRP and the FPP, Chairman Kohl and Senator Cochran asked about the Conservation Reserve Program (CRP) as one of the programs for which OMB had failed to apportion funds. The letter arrived after we had already received a response to a detailed set of inquiries sent to OMB and Agriculture regarding the WRP and the FPP. In the interest of time, we did not send a second letter asking OMB to address the CRP program. However, the CRP is covered under the same general statutory provisions applicable to the WRP and the FPP. The CRP is also a program authorized by the Food Security Act of 1985, as amended. Therefore, to the extent that funds were not apportioned for the CRP under the same circumstances as those applicable to the WRP and the FPP, the same legal principles outlined herein should apply.

The Department of Agriculture concurred with OMB’s responses to our substantive questions regarding these issues. Letter from Nancy Bryson, General Counsel, Department of Agriculture, to Susan Poling, Managing Associate General Counsel, at 202-512-5644. We are sending copies of this letter to Secretary Thomas A. Salazar, Secretary of Agriculture, Director of the Office of Management and Budget, the Chairman and Ranking Minority Members of the House and Senate Agriculture Committees and other Members of Congress. This letter will also be available on GAO’s home page at http://www.gao.gov.

ANTHONY H. GAMBOA,
B-291241

Classified

15 U.S.C. §724 authorizes the Commercial Credit Corporation (CCC) to use employeis from other agencies, and, subject to a maximum limitation on the fiscal year 1995 level (the “section 11 cap”), CCC may make transfers from its funds available for administrative purposes to those agencies to reimburse them for their assistance to CCC in the conduct of its business. 16 U.S.C. § 3841 (as amended by section 2701 of the 2002 Farm Bill, enacted May 13, 2002) specifically provides that the Secretary of Agriculture shall use the “funds” of the CCC to carry out seven conservation programs (including the wetlands reserve program and the farm protection program) named therein, including technical assistance. Based upon the language of the statute, we conclude that the section 11 cap does not apply to technical assistance provided under the section 3841 conservation programs.

2. 16 U.S.C. §3841 specifically provides that the Secretary of Agriculture shall use the “funds” of the Commercial Credit Corporation (CCC) to carry out seven conservation programs (including the wetlands reserve program and the farm protection program) named therein, including technical assistance. Therefore, the Secretary is required to see CCC funds for the conservation programs named in section 3841 available for obligation, rather than funds from the Department of Agriculture’s more general Conservation Operations appropriation.

Where the Office of Management and Budget (OMB) initially did not apportion funds for technical assistance for the wetlands reserve program (WRP) and the farm protection program (FPP) because of OMB’s uncertainty concerning applicability of statutory funding restrictions, and where OMB subsequently approved the Department of Agriculture’s revised requests for the WRP and the FPP, the delay in apportioning funds was programmatic and did not constitute an impoundment of funds.

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Classified
October 21, 2003

CONGRESSIONAL RECORD — SENATE

Leahy and Senator Burns, in cosponsoring the Conservation Technical Assistance Act to preserve funding for our Nation’s working lands conservation programs. Through these valuable programs, farmers across the country are able to voluntarily institute best farming practices—on-farm, soil, and water conservation programs that balance stewardship goals with on-farm production. For many States that do not receive large crop subsidies, including Maine, conservation programs are a valuable tool for helping small and specialty crop growers enhance their production while caring for the land. This legislation does not set new policy, rather, it reinforces the mandates Congress made in the 2002 farm bill. Congress recognized the importance of conservation in agriculture by significantly increasing funding for the working lands conservation programs in the 2002 farm bill, the U.S. Department of Agriculture (USDA) should have expanded the opportunity for farmers to practice environmental stewardship. Unfortunately, the USDA has not followed through with its environmental intent. Over the past year, the USDA has diverted $158 million from the Environmental Quality Incentives Program (EQIP), the Farm and Ranchland Protection Program (FRPP), the Wildlife Habitat Incentives Program (WHIP), and the Grassland Reserve Program (GRP) to pay for technical assistance of the Conservation Reserve Program (CRP). As a result of these actions, countless numbers of farmers were prevented from participating in working lands conservation programs. Without corrective action, farmers’ conservation options will be curtailed even more severely as the USDA transfers funding to other programs in the Department. I join my distinguished colleagues today because I believe it is high time that Congress intervene with a solution. The northeast is home to an incredible array of agricultural products grown by producers both large and small, and, in some cases, sold locally or nationally. In northern Maine, fields of potatoes stretch for miles along the rolling hills of Aroostook County. Along the eastern coast, wild blueberry bars are a specialty crop for the horizon. Diary farms populate much of inland Maine, and nearly every other type of specialty crop is grown in farms across the State. Despite the unique needs of each grower, the one common thread between these farmers is their nearly unanimous support for the additional commitment Congress made to working lands conservation programs in the 2002 farm bill. These programs are the State’s most effective and substantive source of federal agricultural support. EQIP, FRPP, WHIP, and GRP make up the lion’s share of funding for many States that do not grow traditionally subsidized row crops. Maine, with its diverse agricultural sector, is a prime example of a State that relies on working lands conservation programs to both enhance production and conserve our natural resources. Funds from these programs are also used for projects such as irrigation assistance, water quality, soil erosion control, crop rotation, and other practices. Yet, we are finding these very programs and the benefit they provide being cut by the very department that is tasked with serving them, the U.S. Department of Agriculture.

In fiscal year 2003, the USDA diverted over $158 million from key working lands conservation programs to pay for technical assistance for CRP. The funding shortfall created by this diversion has dramatically reduced the available resources for EQIP, FRPP, WHIP, and GRP and led our States to have to deny assistance to countless numbers of farmers. As more acres become available to be enrolled in CRP in future years and the program’s technical assistance costs rise, the impact on working lands conservation programs will become more severe.

It would have been unnecessary to raid working lands conservation programs to pay for CRP had the Department adhered to the specific language in the 2002 farm bill. In fact, Congress anticipated the need to fund technical assistance for CRP and provided specific language in the 2002 farm bill directing the Department to use mandatory funding to pay for CRP technical assistance.

If we can reach a broader agreement on implementation of the 2002 farm bill provision on conservation technical assistance, it is imperative that we take steps to hold our working lands conservation programs harmless. This legislation does this by simply, but explicitly, stating that the USDA may not take funding from working lands conservation programs to pay for CRP technical assistance. This clarification will allow USDA to retain resources for EQIP, FRPP, WHIP, and GRP to retain the funding that Congress provides. It does not add or subtract funding from an account, rather it makes sure that the funds are used by the program for which Congress intended.

Maine’s farmers and our farm community cannot afford to be short changed for another year. In fiscal year 2003, my state received a little more than $8 million in conservation funding compared with the $158 million as required by the regional equity provision of the 2002 farm bill. This short-fall in funding not only meant less direct assistance to farmers, but it led the USDA to propose cutting 20 USDA Conservation Service staff positions throughout Maine. While I am pleased that the USDA decided against laying off these NRCS workers, the specter of further cutbacks in the future does not add to the priority to be faced by my State. I cannot allow both farmers and the professionals who support them to suffer because of USDA’s actions.
In closing, I would like to again thank the Senator from Vermont and the Senator from Montana for working to craft a temporary solution to the conservation technical assistance problem. I believe that this is the right step to take, and I continue to work with my colleagues to address the problem down the road. I urge my colleagues to support this measure.

By Mr. LEVIN (for himself, Mr. MCAIN, and Mr. BAUCUS):

S. 1767. A bill to prevent corporate auditors from providing tax shelter services to their audit clients; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, today I am introducing with the cosponsorship of Senator MCAIN and Senator BAUCUS the Auditor Independence and Tax Shelters Act, a bill designed to strengthen auditor independence by prohibiting audit companies from selling tax shelter services to the publicly traded companies they audit and to the officers and directors of those companies.

Last year, Senators MCAIN, BAUCUS and I each participated in investigations conducted by our respective Committees, the Committee on Commerce, Finance, and Governmental Affairs, into corporate misconduct by Enron and other major U.S. companies, including participation in misleading accounting and tax practices. These investigations led each of us to focus on the role of accounting firms in, not only going along with publicly traded companies’ using abusive tax shelters, but also selling them the very tax shelters they used to overstate their earnings on their financial statements.

In the Permanent Subcommittee on Investigations, on which I am the Ranking Minority Member, has spent the last year investigating the roles played by accounting firms and other professional organizations such as banks, investment advisors and law firms in developing, marketing and implementing abusive tax shelters. The Finance Committee held a hearing today on this same topic.

Tax shelters have become a huge business in this country. An 1998 article in Forbes magazine—five years ago—described how tax shelter use was growing even then:

"Pay attention. These letters are prime evidence of a thriving industry that has received only minimal notice: the hustling of corporate tax shelters. These shelters are being peddled, sometimes in cold-call pitches, to thousands of companies. Will the shelters hold up in court? Maybe yes, maybe no, but many schemes capitalize on the fact that neither the tax code nor the IRS can keep up with the exotica of modern corporate finance. At first to participate, respectable accounting firms, law offices and public corporations have lately succumbed to competitive pressures and joined the looters."

A March 2003 article in BusinessWeek magazine states that U.S. corporations are some of the biggest players in the tax shelter game:

The federal tax rate for corporations is 35%, but few pay that much. . . . Many have achieved the Holy Grail of corporate finance: steadily growing profits coupled with a dramatically shrinking tax bill. [In the late 1990s, the hunt for tax breaks became a much bigger business. . . . Tax avoidance became a competitive sport, with even blue-chip companies benchmarking their effective tax rates against those of rivals. According to a recent Harvard University study, U.S. companies avoided paying $34 billion to $18 billion in revenues during that one year alone.

Accounting firms are in the thick of the tax shelter activity, earning tens of millions of dollars in fees. According to Bowman’s Accounting Report, the Big Four firms, PricewaterhouseCoopers, Deloitte & Touche, KPMG, and Ernst & Young, brought in $5.6 billion of U.S. tax practice revenues in 2001, more than twice the tax-related revenues these companies posted in 1995. While some of these fees are the result of tax return preparation work, our Subcommittee investigation indicates that significant fees were generated by tax shelter services provided to wealthy individuals and corporations.

Increased tax shelter activity has not only led to substantial U.S. tax revenue loss, it has complicated U.S. tax enforcement efforts and undermined taxpayer confidence in the federal tax compliance system, leading the IRS to designate abusive tax shelters as an enforcement priority.

The IRS has accordingly begun a major effort to combat this form of tax avoidance. In 2002, for example, the IRS issued about 200 summonses seeking tax shelter information from 30 accounting firms and other tax shelter promoters, and filed suit against two major accounting firms, KPMG and BDO Seidman, and two major law firms, Jenks & Gilchrist and Sidley Austin in Brown & Wood, to obtain information about their tax shelter activities.

In addition, the Securities Exchange Commission and the new Public Company Accounting Oversight Board have expressed serious concerns about accounting firms that audit publicly traded companies while wearing two hats: those of the tax shelter promoter and those of the auditor auditing the same tax shelters it has promoted.

That issue is the focus of our legislation.

Auditors of publicly traded companies are supposed to be independent watchdogs charged with determining whether a company’s financial statements are accurate and fairly report the companies’ finances. But multiple accounting scandals involving billions of dollars at companies like Enron, Tyco, Healthsouth, Aldelphia, and MCI-WorldCom have rocked investor confidence in auditors and severely damaged the reputation of the U.S. accounting profession. These accounting scandals showed again and again that our laws and financial systems were insufficient to ensure that U.S. auditors were doing their jobs.

Congress passed the Sarbanes-Oxley Act of 2002. A primary purpose of that law was to strengthen auditor independence and restore investor confidence in U.S. financial statements.

In other words, it has been established that the U.S. Public Company Accounting Oversight Board to strengthen auditing standards, investigate and discipline auditor wrongdoing, and oversee auditing practices to ensure adequate financial statement reviews. While the Sarbanes-Oxley Act is a landmark piece of legislation—replacing decades of self-policing in the accounting industry with independent oversight—a number of reform issues remain unresolved.

One key, longstanding issue that continues to compromise auditor independence is the role of the accounting firms in developing and selling tax shelters to public companies they audit.

As part of their review of public company financial statements, auditors are supposed to review the company’s tax practices to ensure that the company is not understating its tax liability and overstating its earnings. But in some cases, the same accounting firm is also pitching tax shelters to that client, many of which rely on aggressive and novel interpretations of tax law. If a company buys one of these tax shelters from its accounting firm, the unacceptability is that the accounting firm can then turn around and audit the company’s financial statements, and then audit its own work, a situation that strikes at the heart of auditor independence.

In some cases, the accounting firm may have even negotiated “success fees” which are contingent upon a tax shelter’s success in reducing a client’s tax burden. In such cases, the accounting firms will audit tax transactions in which they have a direct financial interest, creating a conflict of interest between the firm’s income and auditing responsibilities, and making it highly unlikely that questions will be raised about a tax shelter that the firm itself sold to its client.

Similar conflicts may arise when accounting firms offer tax shelter services to the officers and directors of the companies they audit. One case extensively discussed in the media involves a major accounting firm which not only audited Sprint Corporation, a publicly traded company, but also sold tax shelters to the Sprint CEO and other Sprint executives. These tax shelters supposedly eliminated billions of dollars in personal compensation from stock options given by Sprint to its executives. When the value of the stock options later fell,
the accounting firm apparently analyzed strategies that could have lowered the individuals’ taxes but increased the company’s taxes, pitting the individual against the company, with the same accountant on both sides of the equation. Sprint eventually fired several of the executives and recently announced it was also changing auditors. In addition, Sprint has instituted a new policy barring its auditor from providing any financial services to its publicly traded companies they audit and to those companies’ officers and directors. In the bill, the codify four common-sense principles of auditor independence that would assist public companies in analyzing what services may not interfere with auditor independence. Our bill would build upon the Sarbanes-Oxley Act which took the first step last year to address the conflict of interest problems that arise when accounting firms provide tax services to the companies they audit. Seeking to limit a wide range of possible conflicts of interest, the Act broadly prohibited auditors from providing any tax service to an audit client without first obtaining the approval of the audit committee of the company’s board of directors. The SEC took the next step when it proposed regulations to implement the Sarbanes-Oxley Act. The SEC issued a draft proposal that essentially would have prohibited auditors from selling any tax shelters to their audit clients. The draft SEC proposal also contained the four principles that would have helped company audit committees evaluate whether other tax services prohibited in the SEC proposal would interfere with auditor independence. Unfortunately, under heavy lobbying pressure from accounting firms in the tax shelter business, the SEC dropped both of these important provisions from the final regulation. So we need to legislate. Our bill would, first, prohibit accounting firms that audit publicly held companies in the United States from providing tax shelter services either to the companies they audit or to the companies’ officers and directors. The bill defines tax shelter services by referring to existing law, using language in an existing definition of tax shelters in section 6111(d) of the tax code. The bill would prohibit auditors from providing to their audit clients those services related to designing, promoting or executing tax transactions which have tax avoidance or evasion as a significant purpose and which generate fees for the auditing firm exceeding $100,000. It is intended that this provision addresses whether particular tax-related services fall within this definition which would be resolved by corporate audit committees when asked by their accounting firm to approve the company’s paying for the particular services. The audit committee could consult with the IRS, SEC, or other experts in reaching its decision. If an audit committee were to approve tax shelter services that should have been barred, the bill does not provide new penalties or enforcement authority, but makes use of the existing oversight authority of the SEC and Public Company Accounting Oversight Board to enforce compliance with federal law. That means, for example, if an audit committee were to allow its auditor to provide prohibited tax shelter services, the SEC or Public Company Accounting Oversight Board could use their existing oversight authority to require the company to “cease and desist” paying for the services or to prohibit the accounting firm from providing the services. If appropriate, the SEC could also order the public accounting firm, or both, to pay a monetary penalty for violating the tax shelter services prohibition.

The legislation would further reduce potential conflicts by codifying four principles of auditor independence that public company audit committees would be required to apply when determining what non-audit services an auditor can provide. These principles have been repeatedly cited in SEC enforcement actions. The bill establishes that public accounting independence would be required to apply when determining what non-audit services an auditor can provide. These principles and were also cited during debate on the Sarbanes-Oxley Act. They provide that auditor independence is compromised when auditors: 1. audit their own work; 2. perform management functions for their clients; 3. act as advocates on behalf of their clients; or 4. act as promoters of their clients’ stock or other financial interests. To better ensure auditor independence, our bill would require audit committee approval of these four principles when considering what services, not otherwise prohibited, an auditor may provide to their company. If an audit committee were to find that the proposed auditor service would reasonably result in a violation of one of the above principles, the audit committee would have to disallow the proffered service. Experts in the financial and accounting industries agree that auditors should not be permitted to provide tax shelter services to their audit clients. In January of this year, the Conference Board’s blue-ribbon Commission on Public Trust and Private Enterprise, co-chaired by John Snow before he became Secretary of the Treasury, concluded the following: [P]ublic accounting auditors should limit their services to their clients to performing audits and to providing closely related services that do not put the auditor in an adversarial position. Auditors should plan and perform the calculation of tax liability. An accounting firm that markets a tax shelter product to a registrant should be prohibited from conducting the audit of the registrant because it cannot be expected to fairly evaluate the risks inherent in the tax shelter product.

Our legislation has been endorsed by a number of public interest groups working to strengthen auditor integrity, renew investor and consumer confidence in the financial statements of U.S. publicly traded companies, and curb abusive tax shelters. The Consumer Federation of America, Consumers Union, Consumer Action, U.S. Public Interest Research Group and Common Cause have stated in a letter of endorsement: “Passage of this bill is one of the most important steps Congress could take to ensure that last
year's corporate reform efforts have their intended effect of restoring real independence to the 'independent' audit and, with it, a reasonable level of reliability to public companies' financial disclosures.

Our reforms are straightforward. Auditors should not audit their own work, including evaluating a tax shelter that the auditor itself sold to its audit client. Auditors should not sell personal tax shelters to the officers and directors of its audit clients, due to the conflicts of interest that can arise. Publicly traded companies ought to have explicit guidance to help them avoid auditor conflicts of interest, and the best guidance we can give them is the four auditor independence principles that have long guided SEC and Congressional action in this area.

Together, a ban on auditors providing tax shelter services to their audit clients and a codification of the four auditor independence principles to guide public companies away from auditor conflicts of interest could go a long way to restoring the confidence of investors in the U.S. auditing profession, financial reporting system, and capital markets. I urge my colleagues to support this common-sense and much-needed legislation.

I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record.

SEC. 1. SHORT TITLE.
This Act may be cited as the "Auditor Independence and Tax Shelters Act".

SEC. 2. PROHIBITION ON AUDITORS PROVIDING TAX SHELTER SERVICES TO AUDIT CLIENTS.
(1) in subsection (f)—
(A) by striking "tax shelter services" after "tax services"; and
(B) by striking "(b)" and inserting "(a)"; and
(2) in subsection (i)(1)—
(A) by redesignating subparagraph (B) as subparagraph (C); and
(B) by inserting after subparagraph (A) the following:
"(B) ASSURANCE OF AUDITOR INDEPENDENCE.—Before preapproving a non-audit service that is not otherwise prohibited under this section, the audit committee of an issuer shall—
"(i) determine whether there is a reasonable likelihood that provision of the non-audit audit service would impair the independence of the registered public accounting firm by resulting in the firm—
"(I) auditing its own work for the issuer;
"(II) performing a management function for the issuer; or
"(III) advocating in a public forum for the issuer; or
"(IV) promoting the stock or other financial interests of the issuer;
"(ii) if the audit committee determines that such a reasonable likelihood exists, the audit committee shall not provide advance approval of such service under this section."

SEC. 3. EFFECTIVE DATE.
This Act, and the amendments made by this Act, shall take effect on the date of enactment of this Act, and shall apply to any fiscal year beginning after such date.

Mr. MCCAIN. Mr. President, I am pleased to join my colleague from Michigan, Senator Levin, in sponsoring the Auditor Independence and Tax Shelters Act.

While the Sarbanes-Oxley Act and Securities and Exchange Commission rules rightly prohibit accounting firms from providing certain non-audit services to the publicly traded companies that they audit, they do not prohibit providing tax shelter services to their audit clients.

The Auditor Independence and Tax Shelters Act is intended to address this gap by prohibiting audit firms from providing such services to their audit clients. It would thereby significantly strengthen auditor independence and eliminate a fundamental conflict of interest that is adverse to the best interests of investors.

Although I believe that any firm that serves as an auditor of a company should generally be prohibited from providing any non-audit service to that company, I strongly support this bill because it is a significant step toward achieving true auditor independence.

I urge my colleagues to support this important bill to further protect investor confidence in our capital markets.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. DOMENICI) S. 1270. A bill to establish a voluntary alternative claims resolution process to reach a settlement of pending class action litigation, to the Committee of Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senators Inouye, Domenici and Stabenow in submitting a Senate Resolution urging settlement of the Byear old Indian trust funds lawsuit, and by Senators Carper and Domenech in introducing a bill that I hope and believe will accomplish that goal, the "Indian Money Claims Satisfaction Act of 2003."

The saga of Cobell v. Norton did not start in 1996 with the filing of the lawsuit, it began long before any of us were Senators. In 1977 Congress enacted the General Allotment Act to break up the tribal landmass and teach Indians to be "civilized."

The legacy of that failed policy is still with us in the form of horribly fractionated Indian lands and the class action case filed in 1996 that is still ongoing.

The remedy the plaintiffs in the Cobell case are seeking is an accounting by the United States of funds that should be billions of dollars spent by tens of thousands of individual Indian money accounts (IIMs) managed and maintained by the Federal Government.

Eight long years have passed without an accounting, and without a single penny being paid to an indemnitee. Last month, Judge Lambeth issued a 400-page decision and order that guarantees at least 5 more years of litigation, hundreds of millions and maybe billions more spent, with no end in sight to the lawsuit.

Those who insist that a decision by the judge would mean the beginning of the end of this case are wrong: with likely appeals, Congressional squabbling over money spent on this effort, and additional lawsuits aimed at securing money damages, this case is just beginning.

The U.S. claims that pennies on the dollar are owed the plaintiffs but, without billions more spent on accounting activity, it cannot say for certain how much is in the accounts should be in the accounts.

Preliminary cost estimates from the Interior Department suggest that it will take $10 billion or more to comply with Judge Lambeth's order on historic accounting. This money will be spent year after year through Fiscal Year 2008 at least.

I believe this money is better spent on re-establishing the Indian land base, providing a forward-looking, state-of-the-art trust management system, and providing more dollars to Indian health care and education, which we know are underfunded.

The plaintiffs claim more than $175 billion dollars should be in these accounts, a number the Department has vigorously contested.

Today I am introducing a bill that I believe will end this lawsuit in a way to provide justice to individual Indian account holders and restore some sense of normalcy to the Interior Department.

Just as the Indian Claims Commission, the Trust Resolution Corporation,
and the Volcker Committee on Swiss Bank Accounts helped resolve cases of highly complex, historical-based litigation, the bill I am introducing will establish a 9-member, expert-filled “Indian Money Claims Satisfaction Task Force” to develop alternative methodologies to arrive at account balances.

The bill also establishes the “Indian Money Claims Tribunal” to provide binding arbitration for any IIM holder that contests the account balance provided by the IMACS Task Force.

I look forward to the swift enactment of this bill and with it, an honorable conclusion to this sad and destructive chapter of Federal-Indian relations.

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. 1770

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 “Indian Money Account Claim Satisfaction Act of 2003”.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS. — Congress finds that —

(1) since the 19th century, the United States has held Indian funds and resources in trust for the benefit of Indians;

(2) in 1996, a class action was brought against the United States seeking a historical accounting of balances of individual Indian money accounts;

(3) after 8 years of litigation and the expenditure of hundreds of millions of dollars of Federal funds, it is clear that the court-ordered historical accounting will require significant additional resources and years to accomplish and will not result in significant benefits to the members of the class; and

(4) resolving the litigation in a full, fair, and final manner will best serve the interests of the members of the class and the United States.

(b) PURPOSE. — The purpose of this Act is to provide a voluntary alternative claims process to reach settlement of the class action litigation in Cobell v. Norton (No. 96cv01285, D.D.C.).

SEC. 3. DEFINITIONS. In this Act:

(1) ACCOUNTING. — The term “accounting” —

(A) with respect to funds in an individual Indian money account that were deposited or invested on or after the date of enactment of the Act of June 24, 1938 as provided in the first section of the Act of June 24, 1938, means a demonstration, to the maximum extent practicable, of the monthly and annual balances of funds in the individual Indian money account; and

(B) with respect to funds in an individual Indian money account that were deposited or invested between 1887 and the day before the date of enactment of the Act of June 24, 1938 means a demonstration of the probable balances of funds in an individual Indian money account that were deposited or invested.

(C) IN GENERAL. — The term “claim” means a legal or equitable claim that has been brought or could be brought, asserting any duty claimed to be owed by the United States under any statute, common law, or any other source of law to an individual Indian money account holder that pertains in any way to the account holder’s account, including the duty to—

(i) collect and deposit funds in the account;

(ii) invest in the account;

(iii) make disbursements from the account;

(iv) make and maintain records of activity in the account;

(v) provide a full accounting; and

(vi) value, compromise, resolve, or otherwise dispose of claims relating to the account.

(b) INCLUSION. — The term “claim” includes a claim for damages or other relief for failure to perform, or for improper performance of, any duty described in subparagraph (A).

(c) CLASS ACTION. — The term “class action” means the civil action Cobell v. Norton (No. 96cv01285, D.D.C.).

(d) ELIGIBLE INDIVIDUAL.

(1) The term “individual Indian money account” means an individual Indian money account that contains less than $100.

(2) The term “eligible individual” —

(A) means the plaintiff in the class action litigation in Cobell v. Norton (No. 96cv01285, D.D.C.); and

(B) shall mean an individual Indian money account holder except any such individual whose account holds or held funds only from the distribution of a judgment fund or a per capita distribution; and

(3) after 8 years of litigation and the expenditure of hundreds of millions of dollars of Federal funds, it is clear that the court-ordered historical accounting will require significant additional resources and years to accomplish and will not result in significant benefits to the members of the class; and

(a) M ETHODOLOGIES OR MODELS. — The term “IMACS Task Force” shall develop 1 or more appropriate methodologies or models to conduct an accounting of the individual Indian money accounts.

(b) DETERMINATION. — Using methodologies or models developed under subparagraph (A), the IMACS Task Force shall conduct an accounting to determine in current dollars the balances of—

(i) all individual Indian money accounts opened in or after 1985;

(ii) all individual Indian money accounts opened on or after the date of enactment of the first section of the Act of June 24, 1938 (25 U.S.C. 1626a), and before 1985; and

(iii) third, all individual Indian money accounts opened before the date of enactment of the first section of the Act of June 24, 1938 (25 U.S.C. 1626a).

(c) NOTIFICATION OF DETERMINATION. — On making a determination of the balance in the individual Indian money account of an eligible individual, the IMACS Task Force shall provide notice of the determination to the eligible individual and the Secretary.

(d) ACCEPTANCE OR NONACCEPTANCE BY ELIGIBLE INDIVIDUAL. — If an eligible individual accepts the determination by the IMACS Task Force of the balance in the individual
Indian money account of the eligible individual—
(A) not later than 60 days after the date on which the eligible individual receives notice of the determination by the Tribunal to reflect the determination;
(B) not later than 60 days after the Secretary receives the notice of acceptance under subparagraph (A), the Secretary shall make any adjustment in the records of the Secretary to reflect the determination;
(C) based on the adjustment made pursuant to paragraph (B), the Secretary shall make full payment to the eligible individual of the balance in the individual Indian money account of the eligible individual in satisfaction of any claim that the individual may have;
(D) the eligible individual shall provide the Secretary an accord and satisfaction of all claims of the eligible individual, which shall be binding on any heirs, transferees, or assigns of the eligible individual; and
(E) the eligible individual shall be dismissed from the class action.

(2) NONACCEPTANCE.—If an eligible individual does not accept the determination by the IMACS Task Force of the balance in the individual Indian money account of the eligible individual, the eligible individual may—
(A) have the amount of the balance determined through arbitration by the Tribunal; or
(B) remain a member of the class in the class action.

SEC. 5. INDIAN MONEY CLAIMS TRIBUNAL.
(a) ESTABLISHMENT.—There is established the Indian Money Claims Tribunal.
(b) MEMBERSHIP.—The Tribunal shall be comprised of 5 arbitrators drawn from the list of arbitrators maintained by the Attorney General.
(c) ELECTION TO ARBITRATE.—If an eligible individual elects to have the amount of the balance in the individual Indian money account determined through arbitration by the Tribunal—
(1) not later than 60 days after receiving the notice of determination under section 4(f)(2)(C), the eligible individual shall submit to the Tribunal a form as to the amount of the balance in the individual Indian money account of the eligible individual, with an agreement to be bound by any determination made by the Tribunal; and
(2) the United States shall be bound by any determination made by the Tribunal.
(d) REPRESENTATION.—
(1) GENERALLY.—An eligible individual may be represented by an attorney or other representative in proceedings before the Tribunal.
(2) ATTORNEY’S FEE.—No legal representative retained by an eligible individual for purposes of proceedings before the Tribunal may collect any fees, charge, or assessment that is greater than 25 percent of the amount of the balance in the individual Indian money account of the eligible individual determined by the Tribunal.

(e) TIMING.—The Tribunal shall—
(1) schedule any proceedings necessary to determine a claim to occur not later than 180 days after the date on which the eligible individual submits the claim; and
(2) make a determination of the claim, and provide the eligible individual and the Secretary with a copy of the determination, not later than 30 days after the conclusion of the proceeding.

(f) ACTION FOLLOWING DETERMINATION.—
(1) the Secretary shall make any adjustment in the records of the Secretary to reflect the determination;
(2) based on the adjustment made pursuant to paragraph (f)(1), the Secretary shall make full payment to the eligible individual of the balance in the individual Indian money account of the eligible individual in satisfaction of any claim that the eligible individual may have;
(3) the individual Indian money account of the eligible individual shall be closed;
(4) the eligible individual shall provide the Secretary an accord and satisfaction of all claims of the eligible individual, which shall be binding on any heirs, transferees, or assigns of the eligible individual; and
(5) the eligible individual shall be dismissed from the class action.

SEC. 6. JUDGMENT FUND AVAILABILITY.
The funds for any payment made pursuant to section 4(g)(1)(C) or 5(f)(2) shall be derived from the permanent judgment appropriation under section 1304 of title 31, United States Code (commonly known as the "Judgment Fund").
also received endorsements from a number of Maine organizations, including the Maine Hospital Association, Maine chapter of NAMI, the State Department of Behavioral and Development Services and the Spring Harbor Hospital.

This legislative change is vitally important to ensure Medicaid patients have access to emergency mental health treatment. I want to thank Senator Conrad for his help in crafting this policy and urge my colleagues to join him in supporting this important measure.

I ask unanimous consent that letters of support be printed in the RECORD. There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ALLIANCE FOR THE MENTALLY ILL
Hon. Olympia Snowe, U.S. Senate, Washington, DC.

Dear Senator Snowe & Conrad: On behalf of the 210,000 members and 1,120 affiliates of the National Alliance for the Mentally Ill (NAMI), I am writing to express support for your legislation to address the growing shortage of inpatient psychiatric services for non-elderly adults living with severe mental illness. As the nation’s largest organization representing individuals with severe mental illness and their families, NAMI is pleased to support this important measure.

As NAMI’s consumer and family membership knows first-hand, the acute care crisis for inpatient psychiatric care is growing in this country. This disturbing trend was identified in the recently released Bush Administration New Freedom Initiative Mental Health Commission report. Over the past 15-20 years, states have closed inpatient units and drastically reduced the number of acute care beds. Also, general hospitals, due to severe budget constraints, have had to close psychiatric units or reduce the number of beds. This has resulted in a growing shortage of acute inpatient psychiatric beds in many communities.

Your proposed legislation would address an important conflict in federal policy that has contributed to the shortage of inpatient psychiatric beds—Medicaid rules. The Medicaid Institute for Mental Disease (IMD) Exclusion and the Emergency Medical and Labor Treatment Act (EMTALA) require hospitals to stabilize patients in an emergency medical condition, while the IMD exclusion prevents certain hospitals from receiving Medicaid reimbursement. Your legislation would allow non-public psychiatric hospitals to receive proper reimbursement for Medicaid beneficiaries between the ages of 21-64 who require stabilization in these circumstances.

Your legislation would also allow Medicaid funding for non-publicly owned and operated psychiatric hospitals (IMDs) for Medicaid beneficiaries between the ages of 21-64 who require medical stabilization. It is a problem for persons with serious mental illnesses that receive transfers from general hospitals.

Western states have closed inpatient units due to cost restraints and the fact that general medical/surgical beds are more profitable. Freestanding psychiatric hospitals have been significantly reduced due to the reduction in reimbursements brought about with the advent of managed care. Over all, the availability of acute psychiatric beds, in many states, has decreased dramatically in the last 10 years. Given the shortage of inpatient acute beds, many individuals with serious psychiatric disorders end up in county jails or homeless rather than receiving basic psychiatric services in hospitals.

Your legislation specifically addresses the conflict in Federal law. The Medicaid Institute for Mental Disease Exclusion (IMD) Exclusion and the Emergency Medical and Labor Treatment Act (EMTALA) require hospitals to stabilize patients in an emergency medical condition, while the IMD exclusion prevents certain hospitals (psychiatric hospitals) from receiving Medicaid reimbursement for Medicaid beneficiaries between the ages of 21-64.

This legislation would allow Medicaid funding to non-publicly owned and operated psychiatric hospitals (IMD’s) for Medicaid beneficiaries between the ages of 21-64 who require medical stabilization in the IMD exclusion. Currently, these hospitals are denied payment for care required under the EMTALA rules. The result is that psychiatric hospitals are forced to absorb these added costs of care to their already growing un-reimbursed care even though these patients have insurance through Medicaid.

This legislation will go a long way in addressing the growing psychiatric acute inpatient crisis. Your leadership in addressing this issue is much appreciated. NAMI looks forward to working with you and your Senate colleagues to ensure passage of this important legislation.

Sincerely,
Richard E. Binkel, Executive Director.

THE NATIONAL ASSOCIATION OF COUNTY BEHAVIORAL HEALTH DIRECTORS
Hon. Olympia Snowe, Russell Senate Office Building, Washington, DC.

Dear Senator Snowe: The National Association of County Behavioral Health Directors (NACBSD), which is the behavioral health affiliate of the National Association of Counties (NACo), is writing to strongly support the legislation you are introducing to alleviate the crisis in access to acute hos- pital inpatient psychiatric services. A lack of acute inpatient services was recently highlighted in President Bush’s New Freedom Initiative Mental Health Commission report and is a problem in many counties. In twenty of the most populous States, counties have the designated responsibility to plan and implement mental health services. Over the past 20 years most states have closed many of their state hospitals and returned these patients to the community for treatment. General hospitals have over the past 10-15 years begun to close psychiatric inpatient units due to cost restraints and the fact that general medical/surgical beds are more profitable. Freestanding psychiatric hospitals have significantly reduced due to the reduction in reimbursements brought about with the advent of managed care. Over all, the availability of acute psychiatric beds, in many states, has decreased dramatically in the last 10 years. Given the shortage of inpatient acute beds, many individuals with serious psychiatric disorders end up in county jails or homeless rather than receiving basic psychiatric services in hospitals.

Your legislation will allow non-public psychiatric hospitals to receive appropriate reimbursement for Medicaid beneficiaries between the ages of 21-64 who require emergency treatment and stabilization as required by EMTALA.

Thank you for your foresight and leadership in your sponsorship of the Medicaid Psychiatric Hospital Fairness Act of 2003. Thanks are also due to the outstanding work by Catherine Finley, who ably represents you. The APA looks forward to working with you to make your bill a reality this year.

Sincerely,
Marcia Goin, President.

AMERICAN PSYCHIATRIC ASSOCIATION
Hon. Olympia Snowe, U.S. Senate, Washington, DC.

Dear Senator Snowe: On behalf of the American Psychiatric Association (APA), and most particularly on behalf of the patients they treat, please accept my thanks for your Senate sponsorship of the Medicaid Psychiatric Hospital Fairness Act of 2003.

The Emergency Medical and Labor Treatment Act, which requires hospitals to stabilize patients in an emergency medical condition, directly conflicts with the Medicaid Institution for Mental Diseases (IMD) exclusion. The IMD exclusion prevents non-public psychiatric hospitals from receiving Medicaid reimbursement for Medicaid patients between the ages of 21-64 that have required stabilization as a result of EMTALA regulations.

Your legislation will allow non-public psychiatric hospitals to receive appropriate reimbursement for Medicaid beneficiaries between the ages of 21-64 who require emergency treatment and stabilization as required by EMTALA.

Thank you for your foresight and leadership in your sponsorship of the Medicaid Psychiatric Hospital Fairness Act of 2003. Thanks are also due to the outstanding work by Catherine Finley, who ably represents you. The APA looks forward to working with you to make your bill a reality this year.

Sincerely,
Thomas E. Bryant, Executive Director.
working with you and your colleagues to ensure swift passage of this legislation.

Sincerely,

RICK POLLACK, 
Executive Vice President.

NATIONAL ASSOCIATION 
OF PSYCHIATRIC HEALTH SYSTEMS
Washington, DC.

HON. OLYMPIA SNOWE, 
Russell Senate Office Building, 
Washington, DC.

DEAR SENATOR SNOWE: The National Association of Psychiatric Health Systems (NAPHS) strongly supports your legislation to allow non-public psychiatric hospitals to bill Medicaid for reimbursement for Medicaid patients between the ages of 21-64. As you know, the Medicaid program, through the Institution for Mental Diseases (IMD) exclusion, prevents non-public psychiatric hospitals from receiving Medicaid reimbursement for Medicaid patients between the ages of 21-64 who require stabilization. When the Federal Government created Medicaid they prohibited Medicaid funding for services at IMDs because Washington, D.C. viewed mental health services to be the responsibility of the State—particularly since at that time most psychiatric hospitals were State hospitals. The Federal Government did provide funding through the DSH-IMD (Disproportionate Share Hospital Fund for Institutes for Mental Disease). Initially, these funds were available only to public IMDs, however, in 1991, Maine, in response to a severe budget shortfall, began to shift reimbursement to the Institute of Mental Health (IMH) and Bar Harbor Mental Health Institute (BMHI) into the Federal DSH-IMD pool rather than funding those costs with all general fund dollars. In the mid-1990s the State passed a rule that entitled AMHI and BMHI to be paid first out of the DSH-IMD pool leaving the remainder for the two private hospitals. With a declining Federal cap on the DSH-IMD pool and increasing hospital expenses, there was less and less money with which to reimburse the two private hospitals for services provided to this indigent population.

Maine has two private psychiatric hospitals: Spring Harbor Hospital in South Portland and the Acadia Hospital in Bangor. For fiscal year 2000, Acadia had inpatient admissions of 1,731 and Spring Harbor had 2,047. Both hospitals also provide a significant amount of outpatient services. The two private hospitals play a pivotal role in our health care system: especially for low-income individuals. As the State has desired to encourage greater behavior services within communities, the Department of Behavioral and Developmental Services worked with both of these hospitals to increase the number of beds and services available to allow for certain patients to be placed in these hospitals rather than the State institutes. The inability of these two hospitals to effectively meet these patient needs would have a detrimental impact throughout the State because many communities are already stressed attempting to develop needed community-based services.

Your legislation will allow non-public psychiatric hospitals to receive appropriate reimbursement for Medicaid beneficiaries between the ages of 21-64 who require emergency treatment and stabilization as required by EMTALA. This will relieve overcrowding in emergency departments and provide the appropriate care these patients deserve.

Thank you for addressing this important issue. We support the Medicaid Psychiatric Hospital Fairness Act of 2003 and urge the legislature and your colleagues to ensure swift passage of this legislation.

Sincerely,

MARK COVALL, 
Executive Director.

MAINE HOSPITAL ASSOCIATION, 
Augusta, ME. October 20, 2003.

HON. OLYMPIA SNOWE, 
U.S. Senate, Russell Senate Office Building, 
Washington, DC.

DEAR SENATOR SNOWE: On behalf of the Maine Hospital Association’s 28 acute-care and specialty hospitals, I respectfully write in support of your bill, the Medicaid Psychiatric Hospital Fairness Act of 2003.
upon to take clients who can no longer be stabilized within the existing network of community hospitals. Yet those community hospitals, under current EMTALA law, get reimbursed (and not for services under Medicaid. The IMD’s however, cannot access Medicaid reimbursement for that same service and hence a financial inequity and burden is placed on some non-public IMD’s. Your proposed draft legislation, which I have had the opportunity to review, alleviates that unfairness and will provide some financial support for the IMD hospitals.

I want to offer you my support in helping pass this bill. Please let me know if there is something I can do or information I can provide that would be helpful to get this bill passed.

Sincerely,

SABRA C. BURDICK,
Acting Commissioner.

SPRING HARBOR HOSPITAL, MAINE'S
COMPREHENSIVE MENTAL HEALTH
NETWORK,
South Portland, ME, August 26, 2003.

Dear Senator Snowe:

On behalf of both Spring Harbor Hospital in Maine and the National Association for Psychiatric Healthcare Systems, I would like to thank you for supporting legislation to enable free-standing private psychiatric hospitals in the US to receive payment for the emergency stabilization services they provide each year to thousands of Medicaid-eligible adult clients under the Emergency Medical Treatment and Labor Act (EMTALA).

As you know, it is becoming increasingly difficult for freestanding private psychiatric facilities to absorb the cost of treating Medicaid-eligible adults between the ages of 21 and 64 who are referred to them for emergency stabilization under EMTALA. At Spring Harbor alone, the cost of serving this population last year was close to $7 million.

Faced with both diminishing reimbursement streams and a concurrent rise in demand for inpatient stabilization services from overflowing emergency rooms across the country, private freestanding psychiatric facilities are quite literally caught between a rock and a hard place. In Maine and in many other places, freestanding private psychiatric hospitals are protecting their financial health by offering fewer and fewer adult psychiatric beds to the economically disadvantaged.

This tactic simply skirts the issue and creates a further void of services for individuals with acute mental illness, precisely at a time when it is widely accepted that the availability of mental health services in this country is substandard.

When all is said and done, these financial figures pale in comparison to the ultimate cost to our society when these adults fail to receive the treatment they deserve. It has been documented that the lifetime cost of providing for an individual with an untreated serious mental illness is $10 million. Though this figure includes the financial impact of lost work days and the cost of providing Social Security disability benefits, it does not even begin to speak to the emotional toll of mental illness on friends or the scars mental illness can have on loved ones for generations to come. If we could quantify these numbers adequately, I am certain that I would not need to be writing to you today.

In closing, I would like to acknowledge the receptiveness of your office and that of Senator Collins to issues concerning the plight of the one in four adults and one in ten children in this country who will experience a mental illness this year. It is high time that the issues surrounding this illness were addressed with understanding, compassion, and a concern for our country’s long-term mental health. I am both pleased and proud that the Maine congressional delegation is leading the way on these critical issues.

Best regards,

DENNIS P. KING,
Chief Executive Officer/President, Nat. Assoc. of Psychiatric Healthcare Systems.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 248—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE INDIVIDUAL INDIAN MONEY ACCOUNT TRUST FUND LAWSUIT

Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. DOMENICI, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 248

Whereas, in exchange for ceding hundreds of millions of acres of land and other valuable consideration by Indian tribes to the United States was obligated to protect Indian funds and resources; Whereas, since the 19th century, the United States again and again failed to honor this trust, the United States should act in accordance with the highest fiduciary standards; Whereas in 1996, a class action was brought against the United States seeking a historical accounting of balances of individual Indian money accounts; Whereas after 8 years of litigation and the expenditure of hundreds of millions of dollars in Federal funds, the Senate believes that continued litigation will not provide significant benefits to, or serve the interests of, the members of the class; and Whereas, subsequent to the filing of the class action, the Indians and the United States have tried without success to reach settlement of the Indian claims. Now, therefore, be it Resolved,

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the interests of Indians and the United States would best be served by a voluntary alternative claims resolution process that will lead to a full, fair, and final settlement of potential individual Indian money account claims; and

(2) legislation is necessary to establish a voluntary alternative claims resolution process and achieve a full, fair, and final settlement of potential individual Indian money account claims.

AMENDMENTS SUBMITTED & PROPOSED

SA 1890. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 521, to amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1890. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 521, to amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, and for other purposes; which was ordered to lie on the table.

subsequent to the filing of the class action, the Indians and the United States have tried without success to reach settlement of the Indian claims. Now, therefore, be it Resolved,

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(1) the interests of Indians and the United States would best be served by a voluntary alternative claims resolution process that will lead to a full, fair, and final settlement of potential individual Indian money account claims; and

(2) legislation is necessary to establish a voluntary alternative claims resolution process and achieve a full, fair, and final settlement of potential individual Indian money account claims.

NOTICES OF MEETINGS

Mr. CAMPBELL. Mr. President, I announce that the Committee on Indian Affairs will meet on Wednesday, October 21, 2003, at 10 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a hearing on the nomination of Mr. David W. Anderson to be the Assistant Secretary for Indian Affairs, U.S. Department of the Interior; to be followed immediately by a business meeting to consider pending committee business.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.
Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 21, 2003, at 2:30 p.m., to hold a hearing on U.S. Energy Security: West Africa & Latin America.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet on Wednesday, October 22, 2003, at 10:00 a.m., on “Protecting Our National Security From Terrorist Attacks: A Review of Criminal Terrorism Investigations and Prosecutions,” in the Dirksen Senate Office Building, Room 226.

Witness List:
Panel I: The Honorable Christopher Wray, Chief of the Criminal Division, U.S. Department of Justice, Washington, DC; The Honorable Patrick Fitzgerald, United States Attorney, Northern District of Illinois, Chicago, IL; and The Honorable Paul McNulty United States Attorney, Eastern District of Virginia, Alexandria, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I understand that H.R. 1446 which was just received from the House is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

Mr. SANTORUM. I now ask for its second reading and object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The joint resolution will receive its next reading on the next legislative day.

Mr. SANTORUM. Mr. President, I understand that the California Missions Foundation to receive a new grant to support the mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

Mr. SANTORUM. I now ask for its second reading and object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 22. I further ask that following the prayer and pledge, the morning hour be deemed expired, that the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then begin a period of morning business until 11:30 a.m., with the time equally divided between the two leaders or their designees, with the first 30 minutes under the control of Senator Hutchison or her designee and the second 30 minutes under the control of the minority leader or his designee.

On behalf of the leader, I inform my colleagues that the cloture vote will be the first vote of tomorrow's session. If cloture is invoked on that motion, it is hoped that the Senate will be able to begin consideration of the Class Action Fairness legislation. Therefore, additional votes are possible during Wednesday's session.

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RECOGNIZING JOSEPH J. TARANTINO
HON. JIM GERLACH OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. GERLACH, Mr. Speaker. I rise today to recognize Joseph J. Tarantino, recipient of this year’s Montgomery County Chamber of Commerce Outstanding Citizen of the Year Award, for his numerous years of service to our community.

Joseph J. Tarantino is the President of Continental Realty Company Incorporated, based in East Norriton, Pennsylvania. He oversees fifty employees and agents and all seven of Continental Realty’s divisions, which include professional services in the areas of residential and commercial real estate, insurance, relocation, appraisals, new construction, property management and advertising & marketing.

In addition to his official capacity at Continental Realty, Mr. Tarantino has served as Chairman of the Montgomery County Chamber of Commerce, President of the Board of Directors of the Montgomery County Board of Realtors, and Federal District Coordinator of the National Association of Realtors. He has also maintained several community affiliations such as Chairman of the Borough of Bridgeport Revitalization Committee, President of the National Italian Political Action Committee, Chairman of the Central Montgomery County Chamber of Commerce, Director of the American Heart Association and Director of the Pathway Schools.

Joseph Tarantino has been recognized on several occasions by his business peers as well as those in the community. He has been a recipient of the Realtors Active in Politics Award, the Central Montgomery County Board of Realtors Realtor of the Year Award and the Americans of Italian Heritage of Montgomery County Outstanding Citizen Award. All of the honors and awards he has received, as well as the positions of leadership Mr. Tarantino has held are a true testament to the hard work and dedication he has shown toward his profession and community. Joseph J. Tarantino is an exemplary citizen for which Montgomery County can be truly proud and I can not think of a more deserving individual to receive the Chamber of Commerce’s Outstanding Citizen of the Year Award.

Mr. Speaker, I ask my colleagues join me in honoring Joseph J. Tarantino for all that he has done over the years to make Montgomery County, Pennsylvania a better place to live.

TRIBUTE TO JOHNNY J. BUTLER, ESQUIRE
HON. ROBERT A. BRADY OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of Mr. Johnny J. Butler, Esquire, recipient of the 2003 Laborers’ Local Union 332 Outstanding Community Leader Award. It is a privilege to recognize a person whose commitment to community has enriched the lives of countless individuals.

Mr. Butler is an attorney with the law firm of Booth & Tucker, LLP of Philadelphia where he focuses on government relations, management consulting, and employment law. He is active in the many aspects of the community including the Prince Hall Masons & Shriners and the Omega Psi Phi Fraternity. Mr. Butler sits on the Board of Trustees for both the Mother Bethel Foundation and the Drexel University College of Medicine, and is cochairman of the Scotland School for Veterans Children capital campaign.

In the past, Mr. Butler was Secretary of the Pennsylvania Department of Labor and Industry. Under his leadership, there was a statewide enhancement of workforce development programs and policies, a reform of the state’s workers compensation system, and establishment of PennSafe, a workforce safety initiative. Mr. Butler also served as the acting General Counsel of the U.S. Equal Employment Opportunity Commission, Assistant Counsel with the NAACP Legal Defense Fund, and has taught both law and management courses at Howard University and Temple University, respectively.

Mr. Speaker, Johnny Butler is a model citizen. I ask you and my other distinguished colleagues to join me in commending Mr. Butler for his lifetime of service and dedication to labor and the Commonwealth of Pennsylvania.

A TRIBUTE TO PATRICIA A. LEE
HON. EDOLPHUS TOWNS OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. TOWNS, Mr. Speaker, I rise in honor of Patricia A. Lee for her achievement in expanding a local business, which has served the Brooklyn community for several years.

Patricia A. Lee was born in Magnolia, NC. She attended E.E. Smith High School in Greensboro, NC, and upon graduation, she continued her education at Norfolk State University. In 1970, she earned a B.S degree in business administration.

Soon afterward, Patricia was employed by Allstate Insurance Company as an injury claims adjuster. After working for Allstate for two years, she joined her family’s business, the North Carolina Country Store, in Brooklyn, NY, as vice president of Marketing and Business Operations. Her hard work paid dividends, and in 1988, she expanded the business by opening a restaurant, The Carolina Country Kitchen, which has been in Brooklyn for 13 years. The restaurant is now located in the country store.

Patricia is an active member of New Jerusalem Baptist Church in Jamaica, NY. She has also been involved in numerous community efforts including her membership on the 73rd Community Council and the Bedford Stuyvesant Community Planning Board. Additionally, she is a contributor to several block associations and is very active in her community and neighborhood schools.

Mr. Speaker, Patricia A. Lee has made significant contributions to her community through her entrepreneurial and volunteer activities. As such, she is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

HONORING SUFFOLK COUNTY VOLUNTEER FIREMEN’S ASSOCIATION 2003 FIREFIGHTERS OF THE YEAR
HON. STEVE ISRAEL OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to honor the Suffolk County Volunteer Firemen’s Association 2003 “Firefighters of the Year.”

This year, the Association is honoring 1st Asst. Chief James M. Cummings, Ex-Captain Robert Souhrada and Firefighter Daniel Boucher of the Bay Shore, NY Fire Department. The testimonial of Chief Michael K. Cummings demonstrates the commitment of these three brave men.

On March 19, 2002, at 18:33 hours the Bay Shore Fire Department was alerted and toned out for a structure fire (signal 13) at 103 Second Avenue. Immediately after going on the air, the Bay Shore base was informed by Suffolk County FireCom there was a child hanging out a window. At 18:33 hours, Engine 3-1-2 and 1st Asst. Chief J. ames Cummings, 3-1-3L went (signal 2) enroute to the scene.

While the crew of 3-1-2 began preparing to enter the building with an attack line, 1st Asst. Chief J. ames Cummings arrived at the scene and realizing due to heavy smoke and intense flame that time was running out for the trapped victims elected to effect a rescue through the second story front window. As he entered the room, directly in front of the window was 3-year-old John Thomas. Chief Cummings immediately pulled him to his arms and proceeded to the window.

As Chief Cummings was affecting the first rescue, Firefighter Dan Boucher had completed his ascent of the stairs. Firefighter Boucher, unaware that anyone else was in the room, entered the front room. Both Cummings and Boucher arrived at the second
AMERICAN NATURALIZATION ACT OF 2003

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Ms. LOFGREN. Mr. Speaker, in the 106th Congress, we passed the Child Citizenship Act to automatically confer U.S. citizenship on foreign born children adopted by U.S. citizens. Our immigration law has also long recognized that children born outside our country to an American father and a foreign national mother are citizens as long as their fathers take the steps necessary to achieve their child’s citizenship.

Unfortunately, there remains a group of forgotten sons and daughters who, despite being born to American fathers, cannot take advantage of the Child Citizenship Act or other existing provisions of law. There are children born in Vietnam to American servicemen and Vietnamese women during the Vietnam War. They have lived through devastation during the Vietnam War, have been mistreated by the Vietnamese government because of their mixed race, and many now reside outside the United States, but only as legal permanent residents.

There is no doubt that they are the sons and daughters of American fathers. We all ready made that determination when we admitted them to the United States as legal permanent residents.

To correct this unfair inequality in our law, I have introduced the Amerasian Naturalization Act of 2003 to ensure that Amerasians are accorded U.S. citizenship just like the offspring of American servicemen and Vietnamese women.

HONORING AND RECOGNIZING CHARLOTTE CITY COUNCILMAN JOHN TABOR

HON. SUE WILKINS MYRICK
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mrs. MYRICK. Mr. Speaker, I would like to honor and recognize Charlotte City Councilman John Tabor. On October 28, 2003, John will be receiving the Leadership Charlotte Schley R. Lyons Circle of Excellence Award. This award recognizes a Leadership Charlotte graduate who demonstrates outstanding leadership qualities, and whose ideals are in line with that of Leadership Charlotte.

The award John is to receive is truly deserved. For over a decade he has served the Charlotte community as a long-standing member of the Charlotte-Mecklenburg Planning Commission, on the Leadership Charlotte and Chamber of Commerce Leadership board, and as a member of the American Institute of Architects. He also sits on different committees for the North Carolina and Charlotte American Institute(s), and he is involved in many regional and local architectural projects, most notably the Blumenthal Arts Center. Currently, he serves as a Charlotte City Councilman and represents District 6.

I commend John for his service to the Charlotte community and congratulate him on receiving this prestigious award. His wife, Lee, and his children, Allie and John Paul, are also to be commended on their great sacrifices so that John can work to make Charlotte a better place to live and work.

HONORING THE NATIONAL TRAINING AND INFORMATION CENTER’S 30TH ANNIVERSARY OF ORGANIZING NEIGHBORHOODS AND THE 25TH ANNIVERSARY OF THE COMMUNITY REINVESTMENT ACT

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. DAVIS of Illinois. Mr. Speaker, Gale Cincotta 30 years ago had a vision that led to the founding of the National Training and Information Center (NTIC) for neighborhood residents to become experts on identifying and resolving the issues on mortgage and insurance redlining, HUD/FHA abuses and community-level drug problems in the inner city.

President Carter appointed Ms. Cincotta to the National Commission on Neighborhoods where she chaired the Reinvestment Task Force. In 1990, NTIC’s work, along with that of 9 local organizations, on community-based anti-drug initiatives was recognized by President Bush senior at a White House luncheon. Ms. Cincotta served on the National Commission on Regulatory Barriers to Affordable Housing, established by the Department of Housing and Urban Development, and she was a member of the Community Investment Advisory Council of the Federal Home Loan Bank of Chicago.

Ms. Cincotta and the National Training and Information Center established a multi-ethnic, multi-racial coalition of community organizations whose mission is to build grassroots leadership and strengthen neighborhoods through issue-based community organizing. NTIC helps build organizations with the resources and capacity to: (1) identify local issues that impact the urban areas, (2) develop effective strategies to address the root causes of issues, and (3) create opportunities for the organizational leadership to negotiate with business decision-makers. NTIC’s primary focus is to provide training and technical assistance to a wide range of groups who are willing to promote and foster community organizing as goals for obtaining affordable housing for families, establishing drug prevention programs for the sick and assist in the fostering of neighborhood and community investments to improve better living conditions for people.

Mr. Speaker, I commend the efforts and achievements of Ms. Cincotta. To the National Training and Information Center for their 30th anniversary for empowering the people to organize to bring about change and progress in improving the lives of people from all walks of life.

Ms. Cincotta and the National Training and Information Center established a multi-ethnic, multi-racial coalition of community organizations whose mission is to build grassroots leadership and strengthen neighborhoods through issue-based community organizing. NTIC helps build organizations with the resources and capacity to: (1) identify local issues that impact the urban areas, (2) develop effective strategies to address the root causes of issues, and (3) create opportunities for the organizational leadership to negotiate with business decision-makers. NTIC’s primary focus is to provide training and technical assistance to a wide range of groups who are willing to promote and foster community organizing as goals for obtaining affordable housing for families, establishing drug prevention programs for the sick and assist in the fostering of neighborhood and community investments to improve better living conditions for people.

Mr. Speaker, I commend the efforts and achievements of Ms. Cincotta. To the National Training and Information Center for their 30th anniversary for empowering the people to organize to bring about change and progress in improving the lives of people from all walks of life.

Mr. Speaker, I rise in support of H. Res. 356, expressing the sense of the House of Representatives that millions of Ukrainians, who were deliberately and systematically starved in the early 1930’s, should be remembered and honored today. To properly commemorate Ukrainians who starved at the hand of Joseph Stalin, we must first acknowledge that this genocide was not only ignored but was also concealed and perpetuated under Stalin’s regime.

In its darkest hour, Ukraine was viewed by Stalin as a source of dissent against the Soviet Union. Its rich tradition of open political discourse and cultural splendor were threats to his tyrannical and oppressive regime. To preempt Ukrainian opposition, Stalin wielded a heavy hand in enforcing an ironclad policy of collectivization, in which peasant farmers were forced to turn over the grain they produced. Any man, woman or child caught with even a handful of grain from a collectivized farm...
Mr. Speaker, on behalf of 4,300 constituents of Ukrainian descent, I offer my solemn remembrance of the millions and people of Ukraine. In tribute to the millions who witnessed their family members perish before succumbing to their own starvation, we must always remember and honor the victims of genocide so that mankind never again turns an unseen eye or an unfailing heart. I join my colleagues in Congress in remembering this tragic chapter of human history.

TRIBUTE TO FIRST LIEUTENANT
THOMAS FORSBERG

HON. DAVE CAMP
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to First Lieutenant Thomas A. Forsberg for his faithful service of 26 years to the Michigan State Police Department.

Thomas began his career in 1977 with the Michigan State Police Department after graduating from the 90th Recruit School. Throughout his career, First Lieutenant Forsberg served in uniform positions at the Bridgeport, Detroit, Flint, and Bay City posts, the Criminal Investigation Division—BAYANET Unit in Saginaw, and the Fire Marshal Division at the Third District Headquarters in Saginaw.

He achieved the ranks of Trooper, Sergeant, Detective Sergeant, Lieutenant, Detective Lieutenant, and First Lieutenant. Today, First Lieutenant Forsberg retires as the commanding officer of the Uniform Services Division at the Bridgeport Post. He is greatly appreciated by his co-workers and community, and he will be dearly missed.

I am honored today to recognize First Lieutenant Thomas A. Forsberg for his auspicious dedication to serving the State of Michigan.

TRIBUTE TO TIM JENKINS

HON. SAM FARR
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Tim Jenkins, who passed away unexpectedly on October 2, 2003. He served as one of my campaign staffers when I originally ran for the California State Assembly many years ago, and will be sorely missed. He is survived by his mother, Doris Jenkins, and his son, Nolan Jenkins.

Tim Jenkins was born in Winthrop, Massachusetts, but had lived in California for much of his life, and made Santa Cruz his home for nearly thirty years. He transferred to UC Santa Cruz in 1974 as a psychology major, but he is best known on the Central Coast for his political activism. In addition to the effort he put in to my winning the State Assembly, he also worked as a campaign strategist for, among others, County Supervisor Mardi Wormhoudt and Santa Cruz City Council member Mike Rotkin and Emily Reilly, the current mayor. Without the hard work and dedication to progressive politics that Tim embodied, Santa Cruz would not be the way it is today.

His friends and family have established “The Tim Jenkins Scholarship Fund” in his memory, which will help support UC Santa Cruz student activities. The Tim Jenkins scholarship will be awarded to a student who demonstrates a notable commitment to practical, progressive politics and academic excellence. For Tim, politics was about more than running for office; it was a lifelong commitment to changing society for the better. His passion for politics that touched everyone was an inspiration to everyone who knew him.

Mr. Speaker, I applaud Tim Jenkins’ achievements and accomplishments. Throughout his life he demonstrated an outstanding commitment to our community through his political work. His character and dedication have made lasting impacts on our community and the people with whom he worked, myself included. I join the County of Santa Cruz, and friends and family in honoring this truly commendable man and all of his lifelong achievements.

TRIBUTE TO SAMUEL STATEN, J.R.

HON. ROBERT A. BRADY
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of Mr. Samuel Staten, Jr. Mr. Staten has been honored by our fellow Philadelphians by receiving the 2003 Laborers’ Local Union 332 Outstanding Labor Leader Award.

In 1970, Mr. Staten joined Laborers’ Local 332 in 1972 and became a Field Representative seven years later. In 1986, he became the Local’s Recording Secretary followed by Secretary-Treasurer in 1988. Mr. Staten currently holds the title of Assistant Business Manager and President of the Laborers’ Local 332.

In the past, Mr. Staten has served as the Secretary of the Philadelphia Zoning Board of Adjustment, of which he is a still a member, and was the President of the Happy Hollow Recreation Center Advisory Council, a non-profit organization which provides social services to youth and senior citizens.

Aside from his positions within the Laborers’ Local 332, Mr. Staten also served as the Secretary-Treasurer of the Philadelphia Housing Authority Legal Fund, Delegate to the AFL-CIO, and Executive Board Member of Community Assistance for Prisoners, a non-profit organization which assists ex-offenders through educational opportunities and job training.

It is a privilege to recognize a person whose leadership and commitment to his community has enriched the lives of countless individuals. I ask you and my other distinguished colleagues to join me in recognizing Mr. Staten for his lifetime of service and dedication to the Laborers’ Local 332 and Pennsylvania’s First Congressional District.

A TRIBUTE TO MICHAEL A. OLMEDA

HON. EDOLPHUS TOWNS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Michael A. Olmeda for his commitment to serving his community through active civic participation.

Since 1990, Michael has been a social and policy advocate in the Brooklyn community, focusing on issues of substance abuse prevention, housing development, and senior citizen advocacy. As a member of prominent local and citywide organizations, he has taken an active role in raising community awareness about the problems facing our community as well as working to solve those problems.

Several years ago, Michael was employed as Chief of Staff for Assemblyman Darryl C. Towns. Serving as a key member of the Assemblyman’s staff, he has played an integral role in implementing many of the Assemblyman’s annual community service programs, such as the senior citizen conference, the community service awards program, the turkey drive, and the annual toy drive.

As a child, Michael grew up around politics in the Bronx, with his mother’s active involvement in Community School District 9 politics. As a teenager, he worked with a local group called the National Association for Puerto Rican Affairs (NAPRA), where he learned his way around campaigns, stuffing envelopes, working poll sites, and getting to know the political structure of the Bronx. After a brief tour of service with the U.S. Army, Mike came back to the Bronx to work as a buttler. Realizing this was not his professional calling, he moved to the Greenpoint section of Brooklyn, where he met Senator Ada L. Smith. Involved with politics again, Mike’s first Brooklyn campaign was with Councilman Martin Malave Dilan.

Since then, he has continued to grow within the political community, managing campaigns for many prominent local and statewide officials. Most recently, he worked on the McCall for Governor and the Fernando Ferrer for Mayor campaign. A recent graduate of Long Island University, Mike hopes one day to work with local community based organizations, implementing programs that demonstrate the importance of computer literacy in our community. Michael has been married to his wife Cecilia for the past 20 years and they have four beautiful children Steven, racquel, Travis, and Mikey.

Mr. Speaker, Michael A. Olmeda has served his community admirably through both his professional life and volunteer activities. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

WARTIME LETTERS A LIFETIME BOND

HON. STEVE ISRAEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues the touching story of
Fred Amore, Commander of the Suffolk County Veterans of Foreign Wars and Dorothy Holland, Mrs. Holland and Commander Amore were pen-pals while he was serving in the Vietnam War. They remain close friends today.

**WARTIME LETTERS A LIFETIME BOND**

DETENTION OFFICER, VIETNAMESE SOLDIER HAVE FORGOTTEN LASTING RELATIONSHIP

(By Rob Morrison)

When Fred Amore, Commander of Suffolk County Veterans of Foreign Wars (VFV), looked into the crowd during the Cow Harbor Day Parade last weekend, he was looking for the face of a friend who has stood by him through years of war and peace.

As a junior in high school, Dorothy Holland, 75, of East Northport stood along the parade route waiting to catch a glimpse of Commander Amore, 55, also of East Northport, marching along. Seeing him brought back many memories of her years working for the Northport-East Northport School District and the year-long period she and Commander Amore were pen-pals while he was serving in the Vietnam War.

The two met in 1965. Mrs. Holland had just begun her tenure at the old Northport High School. Mr. Amore was a detention officer. It was during the spring of that year when Commander Amore, then a teenager, was given detention for cutting his hair and wearing a band.

"From that day on Fred and I were friends," Mrs. Holland told The Observer during an interview in her home Tuesday.

While the two remained friends, Commander Amore graduated the next year, in 1966, and attended Suffolk Community College. But in the spring of 1967 Commander Amore received his draft notice. On June 13, 1967, he went into the United States Army as an Infantryman. Before he left, she went to all the boys "who were leaving," Mrs. Holland said. "I had tears in my eyes and I said "I will write to you but you have to write to me."

Commander Amore returned home from boot camp for Thanksgiving in 1967, then he left for Vietnam December 10 of that year. That Christmas, knowing he would not have a tree of his own, Mrs. Holland sent Commander Amore a pencil sketch of herself in front of her Christmas tree. It was not until January 1968 that Commander Amore said he wrote his first letter to Mrs. Holland.

"I was saying to Walter, my husband, 'Oh, he'll never write,'" Mrs. Holland said.

But Commander Amore said he became very homesick during his time in Vietnam, especially during the holidays. Commander Amore wrote as often as he could from his military post in Soc Trang on the Mekong Delta.

"He only said 'I'm so lonely' and 'It's a horrible war,'" Mrs. Holland said. "That's when we were really worried."

But her fears of the worst became stronger when she stopped getting letters from him. It was February 1968 and Commander Amore was in a battle, attempting to hold off the North Vietnamese during the Tet Offensive. Commander Amore said the three-month ordeal mostly took place at night and he and his fellow servicemen and women to live in their foxholes.

"We knew it was coming," Commander Amore said. "It was all over the constantly being under mortar attacks. The South Vietnamese military was supposed to be protecting the base and the members of the 1st Aviation Battalion, of which he was a part. But the South Vietnamese attacked, however, the South Vietnamese dropped their weapons and fled, leaving Commander Amore and his colleagues stranded. He had been on base for 90 days and still did not have a weapon.

"I had to wait for someone to leave or die to get a weapon," Commander Amore said. While many soldiers on base were killed during the offensive, Commander Amore said all of the 25 men in his unit survived.

Commander Amore spent several months hoping he would live to see his home again. In the meantime, Mrs. Holland waited to hear news from Commander Amore and the rest of the Northport High School graduates she knew were in Vietnam.

"My heart went out to all the boys," she said. "The letters were scrupulous [in their letters]. They knew they weren't accepted back home. That was the worst for them."

"After coming out of Vietnam medicated, Commander Amore was disturbed to hear the negative public opinion of the Vietnam War. "I knew the feeling of the people before I left and I knew the feeling when I came back," he said. "I didn't want to talk about it."

It was not until 1991, when Commander Amore decided to get involved in veterans activities and build up pride for his service during the war. He joined VFV Post 9263 in Elwood and Commack. In June, he was appointed to the board of directors of Suffolk County VFV after serving as commander of his own post for five years.

"I had no intention of joining the VFV when I got out," Commander Amore said. "I didn't want any part of it for a lot of reasons."

He always remembered, however, the letters of support that Mrs. Holland wrote. Despite the nationwide disdain for the war, Mrs. Holland was a proud supporter of the boys who left high school to fight in Vietnam.

"The letters would pick you up," Commander Amore said. "That would get you to the next mail call. I really figured when I went into the service I wouldn't hear from her again. She knew how to keep your morale up and keep you going."

"While working at the high school I met the greatest students," Mrs. Holland said. "I haven't forgotten them and they haven't forgotten me. That school was the happiest part of my life."

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**THE UNACCOMPANIED ALIEN CHILD PROTECTION ACT OF 2003**

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. LOFGREN. Mr. Speaker, imagine being a 9-year-old girl trying to escape abusive parents that eventually abandon you. Imagine having no choice but to escape to America with relatives who eventually get angry and leave you behind without immigration authorities at the age of 14. Then imagine being detained for over 6 months in a juvenile jail as you are represented by an unscrupulous attorney who doesn't even care to show up to your immigration hearing, leaving you to defend yourself with no knowledge of the law or any adult guidance. In fact, the immigration judge orders you to leave the country and you have nowhere to go, nobody to help you, and through it all, you're all alone.

This was the plight of Esther—a Honduran victim of abuse, abandoned by her parents and relatives, and left to face a complex immigration system at the tender age of 14.

The sad reality is that Esther is not the only child that has suffered this terrible fate. This is the plight of many young girls and boys who travel hundreds and sometimes thousands of miles alone in seek of refuge in the United States. Some of these children are treated in a manner that our country usually reserves for criminals, not helpless victims, like fourteen- and fifteen-year-old Esther.

It is true that Congress last year transferred care, custody, and placement of unaccompanied alien children from the Department of Justice to the Department of Health and Human Services to improve the treatment children receive when encountered at our borders. This is certainly a step in the right direction and I commend the Department of Health and Human Services for taking important steps to improve the care and custody of these vulnerable children. Unfortunately, Health and Human Services inherited a system that relied upon a variety of detention facilities to house children and was given little legislative direction to implement their new responsibilities. As a result, some children from repressive regimes or abusive families continue to fend for themselves in a complex legal and sometimes punitive system, without knowledge of the English language, with no adult guidance, and with no legal counsel.

Now is the time for new legislation to complete the positive steps we have already taken to ensure that unaccompanied alien minors are not locked up without any legal help or adult guidance. This is why I have introduced the Unaccompanied Alien Child Protection Act of 2003. It will ensure minimum standards for the care and custody of unaccompanied children and require a smooth transfer of minors from the Department of Homeland Security to the Department of Health and Human Services. It will also ensure that children receive adult and legal guidance as they navigate through our immigration system.

Mr. Speaker, no child should be left to fend for herself in a complex immigration system that even you and I would fear. We need to pass the Unaccompanied Alien Child Protection Act. I urge this body to swiftly consider this important legislation.

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**FAREWELL TO CHARLIE "CHOO-CHOO" JUSICE**

**HON. SUE WILKINS MYRICK**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. MYRICK. Mr. Speaker, I would like to pay respect to one of the most distinguished athletes in North Carolina's history. Last Friday morning, October 17, 2003, North Carolina bid farewell to Charlie "Choo-Choo" Justice, who passed away at the age of 79.

The people of North Carolina remember Charlie from his days of playing football at University of North Carolina at Chapel Hill in 1946-1949. Charlie scored 234 points, accounted for 64 touchdowns, and rushed for 2,634 yards. In 1948, and 1949, Justice was runner up for the Heisman Trophy, which recognizes the best college football player in America. Many people who saw Charlie play say that he was the most exciting football player they have ever seen.

After college, Charlie went on to play professional football from 1950-1954 with the
Washington Redskins. Although he only played for a short time, his retirement from football brought him many honors. In 2002, he was selected as one of the Redskins 70 greatest players of all time. He was also bestowed with the great honor of being the first athlete inducted into the North Carolina Sports Hall of Fame. Superstars such as Michael Jordan are now honored.

Charlie “Choo-Choo” Justice will be remembered long after his death for his talents and skills on the football field. However, the people who knew him in his hometown of Cherryville, NC will remember him for his commitment to improving the community, helping others, and his love for his family.

NATIONAL MAMMOGRAPHY DAY
DURING NATIONAL BREAST CANCER AWARENESS MONTH

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to celebrate the National Mammography Day during this month of National Breast Cancer Awareness. In 1993 President Clinton declared the 3rd Friday in October of every year as National Mammography Day. Our Celebration of this day and month is a step forward in finding a cure for Breast Cancer in the United States and the world as a whole.

National Mammography Day is a day for many people in the United States who have not had mammogram screenings or do not have the opportunity to get the screening, to get them free or at a discount price at different participating facilities in their areas. This day gives hope to people in the United States who may have or are at risk of getting breast cancer. Studies have shown that having mammogram screenings helps with early detection and treatment, thereby saving the lives of many people. Between 1989 and 1995 there was a significant decline in the death rate from breast cancer, where it dropped by 1.4 percent each year, and between 1995 and 1998 the decrease accelerated to a decline of 3.2 percent annually. Studies have shown that these improvements are due to early detection and improved treatment, which would not have been possible without mammogram screening.

Many people are becoming aware of the importance of mammogram screening including Congress. In 1992, Congress established the Mammography Quality Standards Act, requiring all mammography facilities to meet quality criteria in order to operate. Federal funding for breast cancer research has grown 600 percent, from $92.7 million in 1991 to $660 million in 1999. States also understand the need for health insurance coverage for mammogram screening. In 1985, Illinois the state I represented as a Member was the first to require that health insurers cover the cost of mammogram screenings. As of 2002, 46 other states have followed suit by requiring insurance coverage for mammogram screenings.

We need to continue to make people aware of the importance of early detection and that it helps in saving lives and one way to do this is via mammogram screening. People need to be aware that breast cancer does not discriminate based on sex; both women and men are at risk of getting breast cancer. Breast cancer does not discriminate based on color or ethnicity, Caucasian-Americans, African-Americans, Asian-Americans, Hispanic-Americans, American Indians, Native Hawaiians, and Alaska Natives are all susceptible to breast cancer. Breast cancer also does not discriminate based on age, people as young as 20 years old and as old as 80 years old are at risk for breast cancer.

Mr. Speaker, progress is being made in finding a cure for the disease and we should not give up hope. I have hope that we will find a cure soon for breast cancer. I want to commend those who have been doing research in finding a cure for the disease, providing emotional and financial support and treatment for people with the disease. Mr. Speaker, we should continue to recognize the importance of this day and month because the battle in finding a cure for breast cancer is not over, there is much work to be done.

HONORING THE 25TH ANNIVERSARY OF POPE JOHN PAUL II’S ASCENSION TO THE PAPACY

HON. RAHM EMANUEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, October 20, 2003

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H. Res. 400 to honor the 25th anniversary of Pope John Paul II.

Karol Józef Wojtyła, known as John Paul II since his October 1978 election to the papacy, is one of the most famous and beloved people on Earth. Inspiring hundreds of millions of people including those beyond the Catholic faith to strive for world peace and prosperity. John Paul II has counseled religious and world leaders during times of scrutiny and 700 audiences held with Heads of State.

The hallmark of John Paul II’s leadership has been his message of hope, reconciliation and redemption. His indelible mark on the world is an unshakable faith in human goodness and benevolence, and the advancement of peace, forgiveness and human rights for people of all faiths.

In his book “Crossing the Threshold of Hope,” John Paul II wrote that “Man affirms himself most completely by giving of himself. This is the fulfillment of the commandment of love.” His constant and selfless commitment to peace and dedication to all mankind during his extraordinary 25 year papacy is why we should honor him as a living example of “the commandment of love.”

Mr. Speaker, on behalf of my constituents, including 112,000 Polish Americans and 131,000 Catholics in the Fifth Congressional District of Illinois, I join my colleagues in paying tribute to Pope John Paul II.
TRIBUTE TO TERRY BRICKLEY

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Terry Brickley, who passed away from pneumonia on October 6, 2003. Throughout his life, Terry was an exceptional community activist and a tireless crusader of rights for the disabled, himself a sufferer from multiple sclerosis. He is survived by his life partner of thirteen years, Sally Jorgensen, his daughter, Tori Bradford, and her husband and son.

A native Californian, Terry lived in Santa Cruz for the past thirty-seven years and has played an important role in this community during that time. He played a vital role in making public spaces handicap accessible, including making the transit district in Santa Cruz the first in the country to have fully accessible buses, long before the Americans with Disabilities Act was passed. In addition to his amazing work as an activist, Terry also founded, headed, and sat on the boards of several organizations dedicated to improving the lives of the disabled, including Adaptability Unlimited; a San Francisco chapter of the California Association for Physically Handicapped which is now the Californians for Disability Rights; and the Stroke Center at Cabrillo College.

I had personal contact with him while serving in the California Assembly, as we worked together to pass a bill that would allow people eager to return to work to remain on Disability Insurance until their new job insurance came into effect. With the passage of this bill, it made possible for more people to return to work and once again participate in their community. He has shown it is possible for one person to make a difference in the lives of so many people, not only in his local community but across the state, in starting a movement that works to guarantee equal rights for all Americans. Terry was an inspiration to me and his legacy will not easily be forgotten. He was a true friend and will be missed by many.

Mr. Speaker, I applaud Terry Brickley’s achievements and accomplishments. Throughout his life he demonstrated an outstanding commitment to this community and to equal rights nationwide that should serve as an inspiration to everyone. His service is admirable and his character and dedication have made lasting impacts on our community and the people with whom he worked, myself included.

I join the County of Santa Cruz, and friends and family in honoring this truly commendable man and all of his lifelong achievements.

TRIBUTE TO DONALD FELDSCHER

HON. ROBERT A. BRADY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the lifelong service of Donald Feldscher. Mr. Feldscher has been a dedicated civil service employee who has worked with the City of Philadelphia for the past twenty-five years. His years of service are indicative of an unwavering commitment to his community and to the City of Philadelphia.

Mr. Feldscher has led an exemplary life of service. He maintained a position evaluating property for the City of Philadelphia until the age of seventy-five. His hard work throughout the years has been an inspiration to his co-workers and the community.

Mr. Feldscher will retire from the City of Philadelphia on October 31, 2003. In recognition of his years of service to the people of the Philadelphia community, I ask that you and my other distinguished colleagues rise to congratulate him on his retirement.

A TRIBUTE TO LEWIS A. WATKINS, SR.

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Lewis A. Watkins, Sr. for his dedication to serving his community and the City of New York.

For almost 30 years, Lewis has worked for the City of New York in a variety of administrative positions. During most of that time, he has also dedicated himself to serving Community Planning Board #3 in Bedford Stuyvesant, which represents the largest African-American community in New York City.

Educated, diligent and committed, he was promoted from Youth Coordinator for the district to District Manager of Community Board #3. Mr. Watkins’ primary role is to coordinate the delivery of city services and to advise a Board of 50 members who are appointed by the Brooklyn Borough President and City Council Members. In this capacity, he works with residents, block associations, community-based and civic organizations, businesses, and churches in order to best serve the neighborhood. For issues in Bedford Stuyvesant relating to housing, seniors, health care, parks, child welfare, day care, education, transportation, police, fire, environmental protection and economic development, Lewis is the main source of information for the City and plays a key role in solving problems for the community related to these areas.

Lewis received his Master of Science Degree in Secondary Education with a Minor in Urban Policy Science from State University of New York at Stony Brook University. He taught high school for several years but realizes now that city government has been his true calling.

In retrospect, he also realizes that his inspiration for community services came from his role models, his mother, Bernice Watkins and his maternal grandmother.

Mr. Speaker, Lewis A. Watkins has been a dedicated public servant to his community. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

TESTIMONY OF MICHELE DE JESU

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of Victor Garza and would like to recognize his extraordinary and tireless service to the people of Santa Clara County.

Victor, who has been called the “Latino Voice of San Jose,” retired last month after 26 years as a Veteran Services Officer for the County of Santa Clara.

Victor has served on numerous boards of directors and community committees related to education, youth and health, including his current role as chairman of the La Raza Roundtable, boardmember for the Center for Training and Careers, and as a leader in the American GI Forum.

Victor is a former Navy mechanic who served in the Korean war, and has been an outspoken advocate for veterans throughout Santa Clara County.

Originally from Eagle Pass, TX, Victor came to San Jose in 1971 when, after leaving the Navy and farm work, Garza enrolled at San Jose State University. At 34, the man who never graduated from high school worked full-time as a foreman at a bus manufacturing company in Hayward while taking a full load of classes at night. He graduated with a master’s degree in public affairs.

Throughout his career, he has also organized Latino job fairs, boycotted against job discrimination, and founded an organization to send Latinos to college.

Victor has devoted his life to enrich and advance his community, and his contributions
deserve to be honored to serve as an inspiration for our youth, veterans and for the residents of Santa Clara County.

I wish to thank Victor Garza for his tireless service to the County and wish him the best in his future endeavors. Furthermore, he has my personal thanks for our years of friendship. Though we will miss his compassion, expertise and commitment, his dedication has left its mark on Santa Clara County.

TRIBUTE TO MS. VIVIAN WILLINE
HON. ROBERT A. BRADY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a respected member of the Philadelphia community. Ms. Vivian Willie is turning 100 years young.

Ms. Willie will celebrate her 100th birthday this October 26, 2003. She selflessly helped the community working for many years at the Children’s Hospital of Philadelphia. Ms. Willie continued to serve the people of Philadelphia outside of the hospital working for the anti-poverty program from which she retired.

Along with her son, 22 grandchildren, and over 40 great grandchildren, I ask that you and my other distinguished colleagues join me in congratulating Ms. Vivian Willie during her 100th birthday celebration.

A TRIBUTE TO DARLENE MEALY
HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Darlene Mealy for her commitment to public service and dedication to serving her community.

Darlene Mealy was one of eight children born to Edward and Louise Mealy, in Detroit, MI. She was raised in Brooklyn, NY, and would later attend school at Manhattan Borough Community College. While living on Herkimer St. in 1987, she formed a softball team named the “Bullets,” which won three straight championships. Since then, Darlene decided she wanted to be in a position where she would be able to give back to the community that gave her so much.

She is the founder and president of FARR (Fulton St./Atlantic Ave./Ralph/Rochester Ave.) Community Association, Inc. FARR has helped forge tighter community bonds and a stronger voice. FARR’s successes include removing drug dealers from street corners, beautifying the neighborhood, and saving eight members’ homes from demolition, which was planned for by the Fulton Park Urban Renewal Plan. Under her leadership, FARR also has been credited with programs for our youth, such as boys’ and girls’ basketball and girls’ step teams, which she has coached for three years.

Her community involvement also extends to her service on the executive board of the Bishop Henry B. Hucles Episcopal Nursing Home, providing an essential service to frail, elderly and physically challenged community residents. She is the corresponding secretary for the 81st Precinct Community Council and a member of the Christ Memorial Church in Brooklyn. She was the former secretary of Unity Democratic Club as well. She credits her mother as her role model in learning values that she lives by today.

Professionally, Darlene has worked for the New York City Transit for 13 years. She now works in the Department of Buses and Technical Services. She is on the executive board of Neighborhood Housing Services that gives homeowners low and moderate loans to improve their homes.

Mr. Speaker, Darlene Mealy’s commitment, leadership, innovation, and motivation have brought about a positive change in the neighborhood and community she serves diligently. As such, she is more than worthy of receiving national recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

ON THE YANKEES ALCS VICTORY OVER THE RED SOX
HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise and congratulate the New York Yankees for their stirring come-from-behind last night against the Boston Red Sox in the 7th and final game of the American League Championship Series—proving, once again, that the greatest rivalry in professional sports is between the Yankees and the Red Sox.

Roger Clemens, a legend in his own right, pitched a 10-strikeout, 4-run performance. He pitched 7.2 innings and allowed just 4 hits. The game was a fitting end to a series for the ages.

Despite an early deficit, the Yankees refused to lose. They rebounded with a 1-0 win and a 2-1 victory in the 7th game. The final score was 4-1.

This is a momentous occasion for all Yankees fans, and I am proud to call myself one of them.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of the California Missions Preservation Act of 2003, H.R. 1446.

This important bill would grant funding to restore and repair the twenty-one California missions and their artifacts by providing a grant program under the authority of the Secretary of the Interior with a matching fund requirement for the California Missions Foundation.

As a California native, I cherish these beautiful missions, which represent our past, our heritage and our founding. It is important to preserve these monuments and museums as they serve as part of our cultural heritage.

Near my district in California is one of these missions, San Juan Capistrano, which served as the birthplace of Orange County. Founded more than 200 years ago on 10 acres of beautiful gardens and fountains, San Juan Capistrano served as a community for Spanish Padres and Indians. It was a thriving center for agriculture, education and religion. Today, the mission’s visitors can see Native American, Spanish, Mexican and European heritage in the mission’s architecture and artifacts. Every year, millions of visitors and school children come to these missions to learn about California and our history. Indeed they are living classrooms of our past.

I ask my colleagues on both sides of the aisle to support this bill, not only for the sake of preserving California’s history, but for our nation’s history as well.
HONORING HERB ALSUP’S 25 YEARS OF SERVICE TO HIS CHURCH

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate Herb Alsup for his 25 years of ministering the Woodbury Church of Christ. On Sunday, October 26, the church will celebrate Family Day, a day to celebrate Herb’s service and for the church to open its new addition.

I’ve known Herb and his family most of my life. He is the type of person who would give you the shirt off his back if he thought you needed it. For example, Herb’s brother, Lynn, was serving in Vietnam and had to send Herb and his wife, Ann, some money. But Herb didn’t need the money for himself or his wife. He needed the money before payday to buy clothes for a family he knew was in need.

Herschel Mullins, Herb’s uncle, remembers him as “an unusually good boy, always real sociable with people, even when he was a kid.” Herb used to visit Herschel for Sunday dinners and family reunions. Herschel recalls, “It was always a joy to have him in my home. He’s always been one of my favorite nephews.” Herschel also notes that the Woodbury Church of Christ grew considerably during Herb’s tenure.

Herb was born in Blackman, TN, just outside of my hometown of Murfreesboro. While we were growing up, Herb excelled in the classroom and on the playing field. While attending David Lipscomb University, he played baseball and was considered a fantastic tennis player. Herb’s enthusiasm for life has been and continues to be a positive influence and an inspiration to his family and friends. Herb, thank you for your service to the Woodbury Church of Christ and to everyone in the community.

HONORING RUTHERFORD COUNTY’S BICENTENNIAL

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. GORDON. Mr. Speaker, I rise today to celebrate the 200th birthday of Rutherford County, Tennessee. Rutherford County is located in the heart of Middle Tennessee, and one of the fastest growing counties in the nation. The warmth of its residents and beauty of its landscapes will continue to attract new members to the community. And those new residents will have the opportunity to visit numerous historic sites, purchase a variety of quality goods manufactured in the county, and enjoy leisurely drives through the scenic countryside.

The residents of Rutherford County have much to be proud of. I congratulate the county on its success, and I am sure the next 200 years will be just as steeped in friendship and tradition as the first 200 years.

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

SPEECH OF
HON. HEATHER WILSON
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Monday, October 20, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, H.R. 3288 is a technical corrections bill that will allow New Mexico to use $14 million of its unused State Children’s Health Insurance Program (SCHIP) funds for low-income children’s health. Currently New Mexico has approximately $70 million in unused SCHIP funds which the state cannot access. This bill will allow New Mexico to use 20 percent of these funds, or $14 million, on low-income children in the Medicaid program. This bill keeps these vital health care dollars in New Mexico. It also assures that these dollars are used for children’s health, for which they were originally intended.

Earlier this year we passed a similar bill signed into law that would allow states, like New Mexico, who had expanded their Medicaid programs for children before the passage of the SCHIP program to use some SCHIP dollars on low-income children eligible for Medicaid. The prior policy essentially penalized states that had done the right thing by expanding coverage for children under Medicaid.

Because of a miscalculation in the legislation passed earlier this year, New Mexico may be ineligible to use the SCHIP funds in the manner intended. This bill would correct that mistake and allow low-income children in New Mexico access to important health care dollars they deserve.

PERSONAL EXPLANATION

HON. LOIS CAPP
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mrs. CAPP. Mr. Speaker, I was not able to be present for the following roolcall votes and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 562—“no”; rollcall No. 563—“yes”; rollcall No. 564—“yes”; rollcall No. 565—“yes.”
These students are shining examples of the best and brightest in Texas and America. They deserve a Lone Star size applause. Congratulations. We are proud of you.

COMMEMORATING THE INTRODUCTION OF “MEDAL OF HONOR”

HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. SESSIONS. Mr. Speaker, today I rise to commemorate the upcoming introduction of the book, “Medal of Honor,” at the National Boy Scout Museum in Irving, Texas. The book honors the more than 3,400 Medal of Honor recipients that have served our Nation so valiantly in time of war or crisis and will be introduced on November 8, 2003. Mr. Speaker, this event is being coordinated by the North Trail District of the Boy Scouts of America under the direction of Chairman Gary V. Hill and Mr. Rob Kyker, the Friends of Scouting Chairman and host of this event.

Mr. Speaker, during the introduction of the book, seven (7) of the living 138 Medal of Honor recipients will be presented and honored along with Mr. Michael E. Thorton, U.S. Navy—retired, who is the spokesman for all Medal of Honor recipients. These individuals embody the virtues of sacrifice, courage, and leadership, which the Boy Scouts work to instill. Since 1861, the Congressional Medal of Honor has been awarded to our Nation’s bravest Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen. This book, by Mr. Peter Collier, honors them for their courage, character, and leadership and will serve as a wonderful example to future generations, especially the Boy Scouts of the future.

The introduction of this book, affords a new generation the opportunity to once again learn of the leadership and courage of those service men and women who have received the Congressional Medal of Honor. This presentation at the Boy Scout National Museum is a great moment to honor and remember all the Medal of Honor recipients and I count it an honor to be involved and to be present at this wonderful ceremony.

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

SPEECH OF
HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Monday, October 20, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my support for passage of H.R. 3288, but do so with disappointment that the House did not take up S. 1547, thereby failing to expedite the process of ensuring that New Mexico does not lose their unused SCHIP funds.

My New Mexico delegation colleagues in the other chamber were able to secure passage of S. 1547 on July 31, 2003 by unanimous consent. This legislation allows states, including New Mexico, to keep unused allotments under the SCHIP Program.

Prior to recessing for the August District Work Period, we in the House passed H.R. 2854—what was supposed to be a final compromise covering $2.7 billion in SCHIP funds, about half of which technically expired September 30, 2002, and the rest of which was scheduled to expire September 30, 2003. Without this action, the funds would have reverted back to the Federal treasury, consequently depriving New Mexico and other states of sorely needed health care funds.

However, because of a technical error in H.R. 2854 that excluded New Mexico from retaining their SCHIP funds, S. 1547 was passed to ensure that New Mexico was rightfully included. Because of this legislation today, New Mexico and other states will again be required to wait for their much-needed SCHIP funds since this bill will now have to be referred back to the Senate, passed once again, and then sent to the President for his signature.

While I by no means seek to diminish the importance of the other states now included under H.R. 3822 for a similar fix that was required for New Mexico, I am nevertheless disappointed that S. 1547 could not be passed as a last technical fix to expedite New Mexico’s funds. New Mexico is ranked second in the Nation for uninsured individuals, which makes the SCHIP program that much more important so that children can have health coverage.

I urge my colleagues to support H.R. 3288, but do so in the hope that this legislation can be expeditiously passed in the other chamber. The sooner we can get this legislation into law, the sooner the funding can go to its intended purpose—providing health insurance coverage for the children in our respective states.

FIVE TRUE HEROES IN AMERICAN LIFE

HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. SANDERS. Mr. Speaker, if we were to believe the television and radio and even the newspapers, we would think that the most important figures in America are professional athletes, movie stars, rock performers, and financial tycoons.

But we all know that this is not true. There are millions of Americans who do heroic work every day. Some are teachers, some nurses, some work in day care. Some prepare meals in the public school system. Some are medical professionals, tax inspectors, police officers, and family doctors.

Mary Jean Inglee was born in Whitehall, Vermont, which was a worksite for some of the students she worked with. Going there on a weekly basis, she was able to observe the difficult situation facing clients and families.

Mary Jean has worked for the Department of Vocational Rehabilitation for the past 15 years, an agency charged with removing barriers to employment for people with disabilities. Most of the people she works with have no income or the minimal benefits of Supplemental Security Income or Social Security Disability payments. This translates into poverty. She advocates every day for programs, training, and dollars to help people improve their lives.

A new opportunity to help came in 1992 when she was asked to join the BROCO Board of Directors as a low-income representative. The timing was perfect for Mary Jean to be called into service. Her husband was ill and not able to work. This gave her an instant “re-minde” order in what it was like to owe money to the creditors. She says that the kind of work brought her to know BROCO, the community action agency in southern Vermont, which was a worksite for some of the students she worked with.

Some came to her office on a weekly basis, she was able to observe the difficult situation facing clients and families.

Mary Jean has worked tirelessly for others, but she has also pursued a path of learning for herself. She received a Bachelor of Science degree in Human Services from Springfield College in 2002. She is currently a Masters Candidate and expects to receive her Masters in Human Services with a concentration in Community Psychology in the spring of 2004.

Emma Katherine Ely is another outstanding advocate for low-income people. During the past 15 years (and probably longer than that!) Ms. Ely has served the low-income community of northeastern Vermont. While being a parent in the program—she is the mother of ten children—Ms. Ely served on the Champlain Valley OEO Head Start Policy Council. That interest in parent advocacy led to seats on the New England Regional Head Start Board and also on the Vermont State Head Start Parents Association. For the past several years, Ms. Ely has played a central role organizing the Vermont Early Childhood Conference. In addition to this work, Ms. Ely has been active in many roles.
at the King Street Youth Center in Burlington. She currently organizes the Holiday Program at that Center.

She represents the needs and interests of the whole community, not just of children. Ms. Ely has also been a member of the Chittenden Emergency Services Advisory Board for the past 14 years. She is currently a low-income representative on the Champlain Valley OEO Board of Directors, and is at the present moment serving in her second term. She does all of these things as a dedicated, spirited advocate.

Bev Priest is another dedicated advocate for low-income people. A resident of Jay, Vermont for over 25 years, she served as a low-income representative on the Northeast Kingdom Community Action Board of Directors for 10 years. During that time, she regularly attended the Low-Income Association meetings, physically Disabled Association meetings, and other meetings in the state capital of Montpelier: at all of them she unstintingly shared with everyone her knowledge of what she learned.

Bev Priest opened a food shelf and clothing center in Town Clerk’s building and provided many holiday baskets to the local families. During the Christmas season she often played Santa at the low-income children’s Christmas parties; she herself acquired many of the gifts that were distributed. She has been a consistent advocate for people in crisis; she has assisted in any way she could in helping people in crisis locate the resources they needed. Bev would many times call the NEKCA office stating, “If I had transportation I would be on your desk right now.” As one Vermont in her community stated, “Bev promoted the continual awareness of others of the struggles that low-income families face by ‘pointing out the squeaks in the wheel.’”

Theresa Emmons has been involved with the Central Vermont Community Action Council for over 20 years. It is safe to say that without her influence, CVCA would not have accomplished as much as it has. Theresa served on the Board of Directors as a representative of the town of Washington in Orange County. She also has the distinction of having the longest consecutive membership on the CVCA Board of Directors; she has served in every possible way: as President, as Vice President, as Treasurer and as Secretary.

As if this weren’t enough, she has also served on the Head Start Policy Council and has been a leader in the Vermont Head Start Parent’s Association. She has been a long time volunteer for the USDA Commodity food distribution program and local food shelves; she was also involved in the conception and growth of the Vermont Food Bank. As far as Theresa is concerned, if people are in need they can always count on her help. If there is a cause that will help someone in need, that cause deserves to be supported—and Theresa is always first in line to volunteer and to recruit others to volunteer.

Christina Crawford of Springfield, Vermont has been an outstanding example of persevering in the face of difficulties, and of triumphing over many of them.

It was seven years ago that Chris left an abusive relationship. She left with a broken foot, no transportation, four children and the clothes on her back. After three months of being homeless, she found a place to live. She studied for the GED and passed. She then began taking administrative classes at the local high school as well as taking on a part-time job at an agency where she was given the opportunity to use the skills she was learning, although the job at the agency was temporary.

At the age of 30 Chris took driving lessons and eventually got her driver’s license and a vehicle for the first time in her life. She then went to the Employment & Training agency in search of part-time, entry level work in the clerical field. She was offered an opportunity to enroll in an on-the-job training program and was placed at Southeastern Vermont Community Action. Chris forthrightly shared at SEVCA for nearly four years now as receptionist.

Three years ago, one of Chris’s children was diagnosed as having an autistic disorder. She has since spent much of her time researching her daughter’s disability and working tirelessly to put the needed supports in place for her daughter to be able to attend school. Chris is now in the process of trying to form a local support group for parents of special needs children.

Chris currently represents SEVCA and the southeastern part of Vermont on the Vermont Low Income Advocacy Council. She attended her first meeting in September and looks forward to attending as many as she can to use the opportunity to speak out about the struggles she has overcome and the struggles she has yet to face. She hopes to inspire other low-income people to speak out and create change.

In spite of the heavy load Chris continues to carry, she hopes that one day she will be able to go to college and obtain a degree in Human Services.

PERSONAL EXPLANATION

SPEECH OF

HON. NICK J. RAHALL, II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, October 17, 2003

The House in Committee of the Whole on the House of the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. RAHALL. Mr. Chairman, when Mr. Bush told the American people he was against nation building, no one, including me, thought he was talking about America. Let me at the outset make clear my support for our valiant soldiers who are pursuing our enemies in Afghanistan, and who are securing the peace in Iraq. But the bill before us today, just as it ignites the Iraqi economy and keeps Iraqi kids out of more debt—it costs America’s great grandchildren more long term debt, while America herself crumbles.

Mr. Chairman, let us look at this bill’s prior-priorites and all of the unanswered questions it raises. There is plenty of money in here for Iraqi health care, but not one dime of the $1.8 billion American Veterans need for their health care, which the majorities in this Congress seem hell bent on ignoring. Why is that? The White House won’t fund the No Child Left Behind education initiative supposed to pay Iraqi teachers’ salaries. Why is that? President Bush says he needs more than $4 billion for water infrastructure when there are
people throughout rural America who lack public water service. Why is that? The President wants $856 million to upgrade three Iraqi airports, a seaport and rail lines, while Amtrak is starved for funds and our ports remain vulnerable to attack. Why is that? The White House has a paltry underfunded proposal for road-building at home but wants to spend millions building roads and bridges elsewhere. Why is that? The President wiped out the COPS program at home, and now he wants to pay more than $3 billion for Iraqi law enforcement. Why is that? The President is seeking $5.7 billion for the federal government’s $10 billion electric grid just as millions of Americans are regaining power lost to Hurricane Isabel, and Congress is grappling with the causes of August’s blackout in the Northeast. Why is that? The President needed the coalfields of West Virginia last election, but today his priorities lie in the oilfields of Iraq. If we can help Iraq pump oil, we sure ought to help America burn coal.

To those who would suggest we should rebuild Iraq at a time when we cannot rebuild America, spending so costs our economy, costs us tax revenues in lost production, and costs American workers jobs as our infrastructure crumbles. The surest way to not be able to help Iraq, if that is the President’s goal, is to further hurt America. To shortchange America at home, to pay more than $3 billion for Iraqi law enforcement, at a time when we are seeing a resurgent Taliban in Afghanistan along with a bill for the September 11th attacks, is to further hurt America. To shortchange America at home, to pay more than $3 billion for Iraqi law enforcement, at a time when we are seeing a resurgent Taliban in Afghanistan along with a bill for the September 11th attacks, is to further hurt America. To shortchange America at home, to pay more than $3 billion for Iraqi law enforcement, at a time when we are seeing a resurgent Taliban in Afghanistan along with a bill for the September 11th attacks, is to further hurt America.

And, who pays for these government contracts in Iraq? They are being paid for, by the working people of West Virginia and throughout our Nation. Is that fair? President Bush’s friends are getting a double-dip giveaway. First, they get huge tax giveaways, putting more of the tax burden on middle and low-income families like many of my constituents in West Virginia. Is that fair? Then, the President’s friends and campaign supporters, such as Halliburton and Bechtel, strike it rich with no-bid contracts. Is that fair? There are, according to the Washington Post, currently more contractors in Iraq than there are soldiers fighting our wars. Why are our allies bearing the burden of our war? And where, oh where, have all our allies gone? Can this Administration not swallow its pride, can it not make a more conciliatory effort to enlist the World in the rebuilding of Iraq? Mr. Chairman, if we have to pay $87 billion for Iraq, why don’t we do the wise thing and roll back the colossal tax giveaway to America’s richest 1%, those making over $337,000? If we defer that giveaway to those making over $337,000, we could pay for the entire $87 billion. We have far too many un-avoidable needs right here at home.

Seventy-five years ago, the American Society of Civil Engineers (ASCE) identified real shortcomings on a nationwide basis. The ASCE report said we are failing to maintain even the substandard conditions of our transportation infrastructure. It described our national roads system as "mediocre. ". Our nation’s bridges and transit systems as "mediocre. ". The ASCE report also identified needs in my home state of West Virginia regarding roads, bridges, water infrastructure, schools, and education.

Right in my own district of Southern West Virginia, I can point to pressing infrastructure needs: Greenbrier Valley Airport in Lewisburg is 35 years old, and in need of a new terminal. The upgrade is expected to cost $15 million. Where is the federal grant for Greenbrier Valley Airport? Greenbrier Valley Airport’s parking apron, used, for housing aircrafts, also needs a $10 million upgrade. Due to lack of funding availability, this project has already been broken into six phases in the hope of completing it. But where are the federal grants for these phases?

In Raleigh County, just one of our waste-water projects is going to cost $6.8 million to serve 3,300 citizens in Glen White and Lester. This is a matter of public health, of bringing in new jobs, of fueling the economy. Where is the federal grant for that project? In Nicholas County, $7.3 million is needed for a water project to serve 562 customers who presently have no water service at all. Where is the federal grant for them? West Virginians are told by this President and this Congress that we can’t afford federal grants!

Nationwide unemployment levels remain unsteady. We have 42 million uninsured Americans and rising health costs for those individuals who actually are insured. State budgets in disarray. Attempts to buy homeland security on the cheap while we incur record level deficits. Meanwhile, the Bush administration tells us that we can’t afford to pay for all of our needs at home. Not when we’re investing in other countries, rather than our own. Well, Mr. President, this land is your land, but you should know this land is also our land.

We have an economic stimulus package that we could pass right now to provide much needed jobs and get us out of this so-called “jobless recovery,” which is no recovery at all. I’m talking about reauthorizing the Transportation Equity Act of the 21st century, and fully funding it at the $37 billion that the Bush administration’s Department of Transportation says is needed to maintain our economy. The Federal Highway Administration estimates that every billion dollars that we invest in our infrastructure provides 47,500 good-paying construction jobs. However, the Bush administration proposes that we spend almost $130 billion less over the next six years than what President Bush’s own Department of Transportation identified as infrastructure problems. Mr. Chairman, we’re fighting two wars at the moment. Like most Americans, I supported our effort in Afghanistan, and I voted in favor of it. I still support it. But, President Bush lost interest in our war in Afghanistan because he had this other war that he wanted to fight in Iraq. Now, we’re faced with a resurgent Taliban in Afghanistan along with a bill for Iraq. And, mark my words, this will not be the last time the administration comes calling for more cash for Iraq. Estimates are that it will cost us more than $400 billion.

With that amount of money we could afford to provide seniors with a meaningful prescription drug benefit under Medicare. But, Mr. Speaker, we won’t be able to afford it because of the lack of priorities. Not when priorities are to finance Mr. Bush’s war, and his rich friends’ profit-making ventures. As I said at the outset, Mr. Chairman, I have total support for our troops. It is my hope that in the following hours and days we can fix this bill. Fix its priorities, putting the American soldier first, and getting the American taxpayer some relief. We in Congress have our priorities wrong here at home that are being ignored, we need to focus on needs at home first. Then let us see how we can best serve America abroad.
Moreover, he received Booker High School’s Senior Volunteer of the year award for the 1999–2000 school year.

Mr. Speaker, while we lost General McNair on September 23, 2003, his greatest legacy lives on in the outstanding family he left behind. Patricia Ann, his loving and devoted wife of 50 years, will continue to honor their father through their exemplary contributions to our world.

The dedication of this postal facility is the least that we can do to memorialize the extraordinary gift this gentleman and hero gave our nation in dedicating his entire life to protecting freedom, promoting education, and touching lives.

CONGRATULATIONS ON THE 75TH ANNIVERSARY OF THE LA GRANGE NOON LION’S CLUB

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. PAUL. Mr. Speaker, I rise today to recognize the LaGrange Noon Lion’s Club on the occasion of their 75th anniversary. Since its founding, the LaGrange Noon Lion’s Club has been a cornerstone of charitable service to its community. I am therefore pleased to submit this proclamation honoring the LaGrange Noon Lion’s Club into the CONGRESSIONAL RECORD.

CONGRESSIONAL PROCLAMATION, LA GRANGE NOON LION’S CLUB 75TH ANNIVERSARY

Whereas, the LaGrange Noon Lion’s Club serves the citizens of LaGrange, Fayette County, the great state of Texas and the United States of America, AND

Whereas, the LaGrange Noon Lion’s Club gives of their time freely for the betterment of mankind, having a membership of anonymous individual philanthropists, AND

Whereas, the International Association of Lion’s Clubs all over the world offer charitable hope to the blind, provide services for youth, disabled and victims of disaster, of which the Noon Lion’s Club is a subsidiary, Therefore, on behalf of the United States House of Representatives and the Constituents of District 14 in Texas, I, Representative Ron Paul, do hereby proclaim October 12, 2003 the 75th Anniversary Week of the La Grange Noon Lions Club.

FREEDOM FOR NELSON ALBERTO AGUIAR RAMIREZ!

HON. LINCOLN DIAZ-BALART
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I speak today about Nelson Alberto Aguiar Ramirez, a prisoner of conscience by Amnesty International. His wife, Dalia, is deeply concerned about his declining health and his constant malnourishment.

Mr. Speaker, Mr. Aguiar Ramirez must be released from Castro’s gulag at once. My colleagues, we can not allow human beings such as Mr. Aguiar Ramirez, who rise up to claim their human rights from the clutches of tyrannical despots, to languish in the gulag for their beliefs. My colleagues, we must stand united and demand the immediate release of Nelson Alberto Aguiar Ramirez.

A SPECIAL TRIBUTE TO HAROLD A. McMasters FOR HIS IMMEASURABLE CONTRIBUTIONS TO NORTHWEST OHIO

HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman from Northwest Ohio, Mr. Harold A. McMaster.

As a youth growing up in Northwest Ohio, Harold McMaster’s hero was another northern Ohio product, Thomas Alva Edison. From an early age Harold understood the importance of setting goals and seeing them through.

Mr. Speaker, Harold McMaster was a unique individual who combined the foresight and analytical nature of the scientist with the acumen and business smarts of the successful businessman. The former helped him “see” how to do things, while the latter enabled him to commercialize his innovations.

A physicist, he held more than 100 patents dealing with glass tempering, solar energy and rotary engines. Harold McMaster was known in many circles as the father of glass tempering.

He graduated in 1938 from The Ohio State University with a Bachelor of Arts Degree in Mathematics and in 1939 with a Master of Science Degree in Nuclear Physics, Mathematics and Astronomy.

In 1940, he went to work as a research physicist for Toledo, Ohio’s Libby-Owens-Ford Glass Company, a producer of flat glass for windows and automobile windshields. He received one of his first patents in the early days of World War II for a periscope used by fighter pilots to see behind them during combat. McMaster Motor is the fourth enterprise to benefit future generations in engineering and technology.

PERSONAL EXPLANATION

HON. ANNE M. NORTHUP
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mrs. NORTHUP. Mr. Speaker, on rollcall Nos. 563, 564, and 565, I was unavoidably absent, due to a delay in my flight. Had I been present, I would have voted “aye.”

DESIGNATING A BUILDING AS THE JOHN LEWIS CIVIL RIGHTS INSTITUTE

HON. DAVID SCOTT
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. SCOTT of Georgia. Mr. Speaker, I am pleased to speak on the House floor today regarding legislation that I am introducing along with Representative Denise Majette to name a building in Atlanta, Georgia as the “John Lewis Civil Rights Institute.”

The Martin Luther King, Jr. National Historic Site (MLKNS) has purchased an apartment house located two doors west of Dr. King’s Birth Home. The plan is to restore the building and convert it into an educational center—including four classrooms and an auditorium. The MLKNS currently conducts educational programs in a house on Auburn Avenue, which accommodates 20 students. This new center would allow for expanded offerings of these educational programs. I am proud to introduce legislation that will name this educational center after U.S. Representative John Lewis who has spent his life promoting civil and human rights across the world.

John Lewis was born the son of sharecroppers on February 21, 1940 outside of Troy, Alabama. He grew up on his family’s farm and attended segregated public schools in Pike County, Alabama. He holds a Bachelor of Arts Degree in Religion and Philosophy from Fisk University; and he is a graduate of the American Baptist Theological Seminary in Nashville, Tennessee. He has also been awarded numerous honorary degrees from colleges and universities throughout the
United States, including Clark Atlanta University, Duke University, Howard University, Brandeis University, Columbia University, Fisk University, Morehouse College, Princeton University and Williams College. John Lewis is the recipient of numerous awards, including the prestigious Martin Luther King, Jr. Non-Violent Peace Prize and the NAACP Spingarn Medal. John Lewis is also the recipient of the John F. Kennedy “Profile in Courage Award” for lifetime achievement and the National Education Association Martin Luther King Jr. Memorial Award.

As a student, John Lewis organized sit-in demonstrations at segregated lunch counters in Nashville, Tennessee. In 1961, John Lewis volunteered to participate in the Freedom Rides, which were organized to challenge segregation at interstate bus terminals across the South. Lewis risked his life and was beaten severely by mobs for participating in the Rides. During the height of the Civil Rights Movement, from 1963 to 1966, Lewis was the Chairman of the Student Nonviolent Coordinating Committee (SNCC), which he helped form. SNCC was largely responsible for the sit-ins and other activities of students in the struggle for civil rights. Lewis, at the age of 23, was one of the planners and a keynote speaker at the historic “March on Washington” in August 1963. In 1964, John Lewis coordinated SNCC efforts to organize voters’ registration drives and community action programs during the “Mississippi Freedom Summer.” The following year, Lewis led one of the most dramatic nonviolent protests of the Movement. Along with fellow activist, Hosea Williams, John Lewis led over 600 marchers across the Edmund Pettus Bridge in Selma, Alabama on March 7, 1965. Alabama state troopers attacked the marchers in a confrontation that became known as “Bloody Sunday.” That fateful march and a subsequent march between Selma and Montgomery, Alabama led to the Voting Rights Act of 1965.

This is an appropriate tribute to a man who has dedicated his life to promoting human rights and I encourage my colleagues to support this legislation. Thank you.

**EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004**

**SPEECH OF**

HON. JOHN F. TIERNEY OF MASSACHUSETTS

**IN THE HOUSE OF REPRESENTATIVES**

Thursday, October 16, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. TIERNEY. Mr. Chairman, today we are debating this Administration’s request for an $87 billion bailout occasioned by its failed planning—or lack of planning—for the post-war Iraq. We are appropriating this $87 billion despite the fact that the Bush Administration has not articulated a coherent and workable underlying strategy to accomplish our mission and bring our troops home safely and soon. It is either unwilling or incapable of doing so.

The only way Congress can ensure for the American people that such a strategy exists and that it has a reasonable chance of success if by using its power of the purse. We are dealing with an Administration that already has a nearly $400 billion Department of Defense budget and that has already received one supplemental appropriation for some $63 billion. Yet it fails to explain how or why our forces had tens of thousands of men and women without the proper Kevlar breast plates, Humvees without proper armor, and rancid water for almost a year in Iraq. Or how those conditions continued, even after they knew in June that people were dying and being injured.

In addition, the Administration, in its zeal to get all the money now so it will not have to come back in 2004’s election year to report to the American people, insinuates that a vote against this bailout is a vote against our troops and a vote to “cut and run.” Nothing could be further from the truth. The Administration’s own figures show that this is just another dissembling of the facts. According to the nonpartisan Congressional Research Service, the Pentagon can buy another Pentagon, seven months without an additional penny in funds. But we have been prevented from seeking accountability from this administration as it asserts a need for “emergency funds.”

Mr. Chairman, this Congress has a moral and practical responsibility to modify and condition these funds, and it is time to reject this “rubber-stamped blank check” and insist on the alternative that the Democrats want to put forward, but the majority and the administration have prohibited it from seeing the light of day.

We must work to re-align the funds for necessary equipment and quality of life matters that the Administration failed to do; reform the Contract provisions to eliminate cronyism concerns-like no-bid, cost plus Halliburton deals; eliminate outrageous and unnecessary projects and over spending that comes at the expense of domestic needs; consider other funding options to leverage U.S. investments, entice foreign cooperation and have it share some costs through its oil reserves. We should do all this—and foremost, we should only approve this bailout if the Administration presents a coherent and workable underlying strategy to accomplish our mission and bring our troops home safely and soon.

**PERSONAL EXPLANATION**

HON. JOSEPH M. HOEFFEL OF PENNSYLVANIA

**IN THE HOUSE OF REPRESENTATIVES**

Tuesday, October 21, 2003

Mr. HOEFFEL. Mr. Speaker, I was absent for votes on Monday, October 20, 2003, due to a scheduling conflict in my district. Had I been present, I would have cast my votes as follows:


**THE PUBLIC SAFETY INTEROPERABILITY IMPLEMENTATION ACT**

HON. BART STUPAK OF MICHIGAN

**IN THE HOUSE OF REPRESENTATIVES**

Tuesday, October 21, 2003

Mr. STUPAK. Mr. Speaker, public safety agencies all across our nation are charged with ensuring the security of our critical infrastructures and the safety of our citizens and their communities. September 11 served to highlight how critical it is that our public safety agencies have the funding, spectrum, and equipment that they need to communicate with each other if they are to fulfill their mission.

The Federal Government has called upon our states and localities to be ever more vigilant and prepared against possible acts of terrorism.

Yet, as hearings in Congress and numerous reports have shown, our public safety agencies continue to lack the ability to communicate with each other interagency and interjurisdictionally. Firefighters cannot talk to police, local police cannot talk to state police, and so on and so on.

We expect our public safety agencies to act with haste and urgency to meet all of our needs and homeland security goals. Therefore, we must provide them with the tools they need to assist us. It is critical to fund radio equipment and technology so that they can talk to each other and be effective responders.

It is for this reason, that along with my colleagues VITO FOSSIELLA and EDO ENSGEL, I am introducing today the Public Safety Interoperability Implementation Act to address this urgent need.

Our bill looks at both the short term and long term funding needs that face our public safety agencies. We set up a Public Safety Communications Trust Fund in the U.S. Treasury, to be administered by the National Telecommunications and Information Administration (NTIA). While the program will be administered with collaboration with the Department of Homeland Security, we believe NTIA should take the lead.

The Department of Homeland Security has shown itself to be still sluggish in responding to the needs of our nation. We cannot afford to waste more time, money, or red tape. NTIA, an agency well familiar with telecommunications and information technology issues, will be better able to address the communications problems that exist and expeditiously move our nation’s public safety agencies into state-of-the-art communications.

In the short term, the Public Safety Communications Trust Fund it will be funded by a 3-year grant program funded through the traditional appropriations cycle, authorizing up to $500 million a year, so that grants may be provided to implement interoperability.

In the long run, the funding for the trust fund will come from the sales of spectrum conducted by the Federal Communications Commission. Our bill dedicates 50 percent of net revenue from future spectrum auctions to the trust fund.

Grants will be allocated to eligible entities to achieve interoperability, with multiyear grants allowed to develop long term plans without having to worry about funding from one year to the next. Preference will be given to those applicants that present
Mr. Speaker, as a Member of Congress, I ask all of the Members of the House to stand and join me in offering Temple Emanuel a hearty yasher koach, and best wishes for the next 50 years.

HONORING LUIS A. FERRÉ

HON. ANÍBAL ACEVEDO-VÍLÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 2003

Mr. ACEVEDO-VÍLÁ. Mr. Speaker, I rise today to bring to your attention a great loss suffered by the people of Puerto Rico today. This morning the radios announced the passing of a great man, former Governor Luis A. Ferré. The people of Puerto Rico mourn this loss and celebrate his life. The former Governor embodied the finest Puerto Rico has to offer and he served Puerto Rico well. He was a true man of principles. With his death, Puerto Rico says good-bye to one of the latest Puerto Ricans of a generation that overcame great challenges to convert Puerto Rico to a prosperous, modern and developed Island.

Ferre governed from 1968 to 1972, an era of great economic development for the island. He was a very popular leader. One of his great contributions to the modern Puerto Rico was the creation of the Environmental Quality Board, the Departments of Natural Resources and Housing, and the Tourism Company. He also created the Youth Affairs Office. He was a true visionary.

As a politician, musician, successful businessman and philanthropist, he demonstrated the characteristics of a great Puerto Rican. Unfortunately, he has left the Earth today, but I know he has a privileged place in the hearts of all Puerto Ricans and in Heaven. My thoughts and prayers and those of my family are with his wife, Teddy Ferre and his family. May God carry you in the trying time.

CALIFORNIA MISSIONS PRESERVATION ACT

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. SCHIFF. Mr. Speaker, I rise today in support of H.R. 1446, a bill that would allocate badly needed funds to the restoration of California’s missions. California’s 21 missions are an integral part of California’s historical landscape and their preservation for future generations is imperative. They serve as a window into the settlement of the American West and are key aspects of California’s history, education, and tourism.

Drawing over 5.5 million tourists a year, the California Missions are the most visited historic attractions in the state. They account for a sizable contribution to the state economy from millions of tourists, including a large number of international visitors.

The missions also play an essential role in educating fourth-grade school children under the statewide history curricula. California missions serve an important educational function

MEYER KAY ANN E. ADAIR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 22, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the citizens of Davison, MI, to recognize an outstanding leader in the community. On November 10, 2003, the council members will honor Mayor Kay Ann E. Adair for 18 years of dedicated service to the people of Davison.

Kay Ann E. Adair was born in my hometown of Flint, MI, on October 16, 1943. She graduated from Swartz Creek high school. Her political career began in 1985, when she became the first female to serve on the Davison City council. During that time she also became a member of the Davison Planning Commission, where she served until 1987, and then subsequently became an active member on the Senior Citizens Authority as chairwoman. In 1993, Kay Ann E. Adair made her mark in history, she became the first elected female mayor of Davison, she has maintained the post every since. During her tenure she has sustained membership on several boards, including the Genesee County Growth Alliance. In 1999 she shared the honor of chairing the Small Cities and Villages gathering. Mayor Adair can also be credited with founding the Davison Beautification Committee. As mayor, she has become a beacon of hope for Davison. Her exceptional enthusiasm, strength and leadership skills have helped to make this city a better place. Mayor Adair is a tremendously respected individual. She is always willing to lend a helping hand or advice whenever needed. Her love for the community shows through her countless efforts. Upon retiring Mayor Adair will continue to work with the community, but as a spiritual leader. She is the Lay Pastor for the Mundy Church, located in Mundy Township.

Aside from being an outstanding leader and role model, Mayor Adair is also a devoted wife to her husband, Gary and a supportive mother to her daughter Sarah.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in congratulating Mayor Adair for service well done. Mayor Adair has been a positive influence on the city of Davison for the past 18 years. She has served the community with zeal and compassion. I wish her all the best as she begins this new phase of her life.
in teaching young students about the role of the missions in the history of our nation.

Contrary to widespread belief, 19 of California’s 21 missions are not funded by any governmental agency and instead rely on charitable donations to keep their doors open. They are in serious need of repair, restoration, and preservation for future generations.

Until recent efforts by the California Missions Foundation, little had been done to preserve the missions’ structures and art. Because of this long-term neglect, many of the missions are now in dire need of structural attention and major rehabilitation.

The legislation would provide $10 million for the restoration effort in a Department of the Interior grants program to be administered over five years. By authorizing the Secretary of the Interior to make matching grants to the California Missions Foundation, we are preserving the missions while keeping in mind the current state of the budget.

This act enjoys nearly unanimous, bipartisan support among California’s congressional delegation. It will support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California. I urge all my colleagues to ensure that the missions remain intact, as unshakable symbols of our nation’s early discovery.

HONORING THE RETIREMENT OF F/LT. JOSEPH P. ZANGARO, MICHIGAN STATE POLICE BRIDGMAN POST

HON. FRED UPTON OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to F/Lt. Joseph P. Zangaro, who is approaching the end of a long and distinguished career in law enforcement. The Battle Creek native began his law enforcement career in 1976 with the Calhoun County Sheriff Department in Marshall, MI as a road patrol deputy. After a brief stint with the Battle Creek Township Police Department, Zangaro entered the 94th Michigan State Police Recruit School. He has served the residents of southwest Michigan with great distinction ever since.

F/Lt. Zangaro’s contributions to our community over the last 27 years have been tremendous. From post to post, he consistently received accolades and recognition along the way including. Among the highlights of his storied career include being named Benton Harbor Exchange Club Trooper of the Year in 1985 and in 1994 Zangaro earned a “Professional Excellence” award for his part in an armed robbery investigation.

He has been successful keeping drugs away from our children and keeping drunk drivers off the road. Just this year he was on the ground, restoring the peace after the uprising in Benton Harbor.

From overseeing one of biggest undercover drug operations in SWET history dismantling the Rainbow Farms drug operation in Cass County or keeping drunk drivers off the streets, F/Lt. Joseph P. Zangaro contributions to our community have been many, and we are all better off from his service.

Our community is in debt to F/Lt. Joseph P. Zangaro for his 27 years in law enforcement, 25 of which were with the Michigan State Police. I wish him and his family all the best in retirement. He will truly be missed by the folks in southwest Michigan.

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this Nation today to pay tribute to an outstanding citizen from Colorado. Father John Leonard O’Shea of Denver, Colorado recently passed away at the age of sixty-nine. John faithfully served his community throughout his life as a member of the Denver Police Department and later as a Catholic Priest. For his years of service and dedication, I am honored to pay tribute to the life and memory of Father O’Shea here today.

John joined the Denver Police Department in 1961 and served in many different positions including patrol, first as a member of the Denver Police Department and later as a Catholic Priest. For his years of service and dedication, I am honored to pay tribute to the life and memory of Father O’Shea here today.

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JOHN LEONARD O’SHEA
August 17, 1934 – October 20, 2003

Mr. McINNIS. Mr. Speaker, Father John O’Shea loved to serve his fellow Coloradans, and people were drawn to him because of his positive outlook and quiet dedication. John touched many throughout his life, and the Denver community has benefited greatly from his involvement. As his family and community mourn his loss, I am honored to pay tribute to the life and memory of Father John Leonard O’Shea.

HON. SANFORD D. BISHOP, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. BISHOP of Georgia. Mr. Speaker, I was deeply saddened when I learned of the passing on October 12, of Eddie James Gibson, 57, of Edison, Georgia, one of the most highly committed, courageous and inspiring citizens I have ever known.

The son of sharecroppers, Mr. Gibson was horrified at the age of 15 when the tractor he was operating overturned on the land farmed by his family. He spent years in hospitals, undergoing countless operations and receiving intense therapy. His life was saved, but he was left permanently paralyzed.

After he was finally able to return home to Calhoun County, he quickly demonstrated that he had no intention of giving up and sinking into despair. Even though severely handicapped, he decided to do something about the poverty and injustices that he saw around him. He became involved in the civil rights movement, organizing efforts to increase voter participation and bring down the racial barriers that then existed. Even though wheelchair bound, he never hesitated to put himself on the movement’s front lines.

Later, he became president of the Calhoun County NAACP, a member of the Edison City Council, and a member of the Calhoun County School Board. He was active in voter registration, and was incredibly effective in motivating people to exercise their rights as citizens. Although a member of the Enon Missionary Baptist Church, he helped a number of churches in the area with their fund raising and enhancement programs. He was always involved in civic and charitable activities.

Many people came to him with problems. Armed with a telephone, he was effective in getting many of them resolved. We worked with him on many cases, and found it to be a highly productive relationship. I visited with him often, and was always uplifted by his good humor and positive outlook that he invariably reflected in spite of any pain and discomfort he may have been feeling.

With sharp intelligence and strength of character, he overcame all of the adversities of a hardscrabble upbringing, of the discrimination he encountered, of the lifelong injuries he sustained as a teenager—rising to become one of the most prominent citizens in Calhoun County’s history as he worked tirelessly to raise the
quality of life for people throughout his community and area.

If we’re looking for true American heroes, I submit the name of Eddie James Gibson of Calhoun County. He meets all of the qualifications.

HONORING STEVE BELCHER ON HIS RETIREMENT AS THE CHIEF OF POLICE FOR SANTA CRUZ, CA

HON. SAM FARR
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Steve Belcher, retiring Chief of Police for the city of Santa Cruz. Serving for more than 32 years in the Santa Cruz Police Department, Chief Belcher will surely be missed by both his co-workers and the residents of Santa Cruz. His unyielding commitment to public service has, for the past three decades, won him the respect and admiration of the community as a whole.

A graduate of Santa Cruz High School, Steve has lived in Santa Cruz for almost all of his life. In front of his proud wife, Sisi, and two daughters, Erin and Amy, Steve will retire on November 5, 2003. After 32 1/2 years of service, Steve, with his characteristic humility, will boast a lengthy list of accomplishments and achievements.

Chief Belcher was sworn in as Police Patrol Officer on May 26, 1971, and has been a steadfast leader in the department ever since. His poise and leadership have enabled him to rise up the ranks of the Santa Cruz Police Department, culminating in his appointment to the position as Chief of Police on September 30, 1994. Holding the positions of Sergeant, Lieutenant and Deputy Chief of Police, Steve has excelled in every facet of his job. His entire career, from police patrol officer to his current position as Chief of Police, has been with the Santa Cruz Police Department. Over the years, Steve has achieved an extremely long list of accolades and accomplishments, many of which will leave an indelible footprint on the entire community. Chief Belcher has improved training, staffing and community policing policies, and has overseen a steady decline in the overall crime rate.

Focusing on the problems facing the Beach Flats area of Santa Cruz, Chief Belcher has promoted a strong spirit of community development and civic participation. Steve has received an overwhelming amount of praise for his work, and humbly takes credit for helping the department create a Spanish Citizens Police Academy.

I am proud to call Steve a friend. A colleague in the realm of public service, Steve possesses the qualities that personify good police work. I would like to wish him well in his retirement, and thank him for the outstanding—above and beyond the call of duty—service that he has provided our community for the past three decades.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF
HON. CAROLYN B. MALONEY
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mrs. MALONEY. Mr. Chairman, I rise to address this proposed $87 billion appropriation for the reconstruction of Iraq and Afghanistan.

I have been gravely concerned over the problems surrounding the reconstruction, over the pace that was made for the postwar period and our inability to work productively with the international community to rebuild Iraq. The supplemental appropriation before us raises many difficult questions.

With great reluctance, I will support this funding. I believe that both support our soldiers and help increase their safety. Sixty-five billion dollars will directly aid our troops; I feel that the additional $18.6 billion in reconstruction aid will make them safer and get them home sooner.

While I am going to support this funding request it should not be interpreted that I am supporting all of the policies and actions to date in the war effort.

We need to do more.

We need to get more countries involved to help with the security.

We need to make the reconstruction effort more cost-effective. We need to follow the model set by Major General David Petraeus, whom I met with in Iraq. Advised by American engineers that rebuilding a cement factory to American standards would cost $15 million, General Petraeus took the initiative to identify Iraqi contractors, who were able to bring the factory back on line for a mere $80,000.

That example and others like it inspired me to introduce an amendment to increase competitive bidding in Iraq and to encourage the use of Iraqi contractors and subcontractors. I regret that this amendment was not accepted and urge the administration to embrace a more open bidding process in the reconstruction of Iraq and to avoid the use of sole-source contracts.

We need to be doing more to bring human rights to Iraq and Afghanistan. One measure of the success of our efforts will be the degree to which women are integrated into the political, economic, and educational life of these nations. I will offer amendments to ensure that women are fully included in the process of political, economic, and educational life of these nations. I will offer amendments to ensure that women are fully included in the process of political, economic, and educational life of these nations.

History teaches us that, when America turned its industrial and economic might toward the cause of helping others around the world who sought to rebuild after bitter conflicts—for the reconstruction of a Europe ravaged by World War I; for the creation of democracies in Germany, Japan and Italy after the devastation of World War II; and for the political and economic rebirth of Central Europe after the Cold War—we truly succeeded in making our mark as the greatest nation on earth.

Before we stand that opportunity once again. But we need to do a better job of winning the peace then we have been doing. We must work more productively with the international community to secure Iraq’s transition to a stable democracy.

I will support this budget request but with the understanding that we need to do better. Let us remember the past. Let us not repeat its failures.

We do not have a choice to leave or to fail in Iraq. We must succeed.

PERSONAL EXPLANATION
HON. XAVIER BECERRA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. BECERRA. Mr. Speaker, on Monday, October 20, 2003, I was unable to cast my floor vote on rollecall Nos. 563, 564, and 565. The votes I missed include rollecall vote No. 563 on the Motion to Suspend the Rules and Agree to H. Res. 356, Expressing the Sense of the House Regarding the Man-Made Famine in the Ukraine; rollecall vote No. 564 on the Motion to Suspend the Rules and Agree, as Amended to H. Res. 400, Honoring the 25th Anniversary of Pope John Paul; and rollecall vote No. 565, on the Motion to Suspend the Rules and Pass H.R. 3288, Making Technical Corrections to Amend Title XXI of the Social Security Act.

Had I been present for the votes, I would have voted “aye” on rollecall vote Nos. 563, 564, and 565.

TRIBUTE TO GLEN YOUNGER
HON. SCOTT MCMINN
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. MCMINN. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to an exceptional athlete from my district. Glen Younger of Grand Junction, Colorado made a name for himself as a young man with skill and prowess as a wrestler and today passes on the wrestling tradition by running a rodeo school. For his work and dedication, Glen’s alma mater, Western State College, is honoring him by inducting him into the Community First National Bank and Insurance Mountaineer Sports Hall of Fame. Glen has accomplished much in his life, and I am honored to share his story here today.

Glen began wrestling as a high school student in Grand Junction, continuing to compete...
CONGRATULATING THE UNIVERSITY OF CALIFORNIA SANTA CRUZ’S LONG MARINE LAB ON CELEBRATING ITS 25TH ANNIVERSARY

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to congratulate the University of California, Santa Cruz’s Long Marine Lab on celebrating its twenty-fifth anniversary on October 25th, 2003. The Joseph M. Long Marine Laboratory is a research and education facility of Institute of Marine Sciences and is known throughout the world for innovative research on marine mammals, marine ecology, and issues relating to ocean health. The Long Marine Lab has grown from a few marine scientists into a research institute with more than 170 scientists and research associates, 130 graduate students, and $12 million in annual research funds.

With its collaborative interdisciplinary approach to programs and facilities, Long Marine Laboratory enables students from the University of California, Santa Cruz to engage in hands-on research, and to have the opportunity to work with professionals in their field of study. The site is also home to the California Department of Fish and Game Marine Wildlife Center, the National Marine Fisheries Service’s Southwest Science Center, and plans are underway to bring coastal and marine scientists from the United States Geologi- cal Survey.

The Seymour Marine Discovery Center houses the lab’s public education and visitor programs and brings marine research to life for 50,000 schoolchildren and other public visitors every year. Programs such as this are vital to teaching children about conservation and the marine environment, and ensuring that they will continue the struggle to save and preserve our oceans.

The President of the University of California has chosen this day to name one of the original Long Marine Laboratory buildings the William T. Doyle Research Building in honor of Bill Doyle, founding director of the Institute of Marine Sciences, for his great vision, wisdom, and persistence in the establishment and early development of the Long Marine Laboratory.

Mr. Speaker, I am proud to honor Bill Doyle’s memory and the dedicated work of the many staff and researchers at the University of California, Santa Cruz’s Long Marine Laboratory. Through their commitment to marine research they are able to offer new solutions and approaches to conservation and preservation of our oceans. The lab’s twenty-fifth anniversary is a tribute to the role it plays in our community, and I wish the Long Marine Laboratory the best successes for the future.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mrs. MALONEY. Mr. Speaker, on October 15, 2003, I missed rollcall vote number 543.
Rolcall vote 543 was on the motion to suspend the rules and agree to as amended H.R. 1848, the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003.

As I am a cosponsor of this important legislation and had I been present I would have voted "yea" on rolcall vote 543.

TRIBUTE TO PHYLLIS LUDWIG

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding civil servant from my district. After almost three decades of service, Phyllis Ludwig of Bayfield, Colorado recently announced her retirement from the Bayfield Post Office. As she prepares to begin a new phase in her life, I am honored to pay tribute to Phyllis and her many accomplishments.

Phyllis has been with the Bayfield Post Office for nearly twenty-eight years. She began as a part time flexible worker, steadily working her way up the ranks. In 1983, Phyllis was appointed Postmaster. To her credit, in the twenty years that she has served as Postmaster, not a single grievance has been filed against her.

While Phyllis may be retiring from her professional life, she plans to remain active in the community. Phyllis will remain President of the Upper Pine River Fire Department Auxiliary and will continue to organize Operation Merry Christmas, a program to assist underprivileged children and families.

Mr. Speaker, Phyllis Ludwig is an active member of her community and dedicated civil servant. She has devoted nearly twenty-eight years to serving her friends and neighbors, and I am honored to join with my colleagues in recognition of her service today. Thank you, Phyllis, for your tireless work. I wish you all the best in retirement.

HONORING JAMES H. “JIMMY” RAINWATER

HON. SANFORD D. BISHOP, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. BISHOP of Georgia. Mr. Speaker, if there has been a more dynamic or visionary leader in public service anywhere in the United States in recent years than James H. “Jimmy” Rainwater, who served as Mayor of Valdosta, Georgia for 16 years until his death from a heart attack on Sunday, October 12, I don’t know who it would be. In the words of the Valdosta Daily Times, he was “Valdosta’s voice, the city’s representative, its administrator, ambassador, negotiator, cheerleader and leader.”

Mayor Rainwater seemed to be everywhere at once. If there was a groundbreaking or ribbon cutting, he was there as a booster. If there was a new business or grant to secure, he was always in the thick of it. If a disaster struck, he was the first to help and comfort those who suffered. As his city experienced an extraordinary acceleration of growth and development, he was there, leading the way.

Valdosta emerged under his leadership as an officially designated metropolitan community. He played a leading role in the successful effort to save Moody Air Force Base, the community’s largest employer, when the base was threatened with closure. He promoted tourism, which generates $175 million annually for the Valdosta area. He oversaw such developments as the Wild Adventures Theme Park, the Valdosta-Lowndes County Conference Center, the new Valdosta Regional Airport, the new industrial park, and many new hotels and restaurants. His support helped Valdosta State College become Valdosta State University. He pushed hard to strengthen the city’s infrastructure, and during his tenure the city built a water treatment plant, completed a citywide paving program, and organized a nationally accredited police department.

Mayor Rainwater was born and raised in another growing city within the Second Congressional District, Tifton, which I also have the privilege of representing. Citizens in Tifton remember him as one of the most outstanding students to ever come out of Tifton High, where he quarterbacked the football team, served as homecoming president, and was named to the Who’s Who list. He more than fulfilled that early promise. In addition to serving as Mayor of one of Georgia’s great cities longer than any other person in history, he was a successful businessman and was prominent in statewide municipal affairs as an active member and next year’s President-to-be of the Georgia Municipal Association.

When I learned of Jimmy Rainwater’s passing at the age of 62, my first thought was that I had lost a wonderful friend. So did everyone who lives in Valdosta and our area of Georgia. He will be missed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF
HON. ANDER CRENSHAW
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2999) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. CRENSHAW. Mr. Chairman, it’s not always easy to do what is right. Doing what’s right sometimes means going against expectations. In regards to Iraq, the United States is doing the right thing; the reconstruction, granting the money, and building a relationship with a new Iraq is all part of staying committed to winning the war on terror. The price is high, the undertaking is huge, but we cannot afford to fail.

Winning the war means more than capturing terrorists, it means capturing the hearts and minds of Iraqis. During the U.S.-led invasion, Iraqis were forced to leave their homes, we targeted an evil regime. After the major combat, Iraqis saw the United States take a stance for stability and security. In the wake of recent deadly attacks, Iraqis see it is the U.S. rebuilding their schools and hospitals, not terrorists from neighboring countries whose only aim is to rip apart the beginnings of a democracy.

In Iraq, citizens know we invaded their country in pursuit of Saddam Hussein. They know we did not invade for oil or other profit. Upon that premise, we are building a foundation of trust. That foundation will breed civility not hate, understanding not undermining, and prosperity instead of chaos.

What Iraqis didn’t expect was a reassuring hand after the smoke cleared. What Iraqis won’t respect is an invader who forces them to sign loan papers.

We are getting something for our investment—an historic beginning to Middle East stability. In exchange for rebuilding their infrastructure, we are asking Iraqis to reject thirty years of an evil regime. We are asking that they respect democracy instead of anti-American hate. We are asking Iraqi citizens to hold structure over chaos and not become a breeding ground for terrorist training camps. We are not handing Iraqis money and a simple request. We are asking them to reject everything Saddam Hussein stood for, and build anew.

The sole reason we entered Iraq was to protect national security. We must continue on that course. More than 30 countries are working with the United States, Japan and every country that has committed forces to enable the Iraqi people to achieve self-governance. And just this week, the Japanese government committed $1.5 billion to Iraqi reconstruction.

The cost of reconstructing Iraq is high but we would pay a higher cost if we burden Iraqis with a multibillion-dollar debt. History shows us what a tyrant can do when a country is burdened by war debt. Repeating the mistakes of the past could open the door for another Saddam Hussein, or another Adolph Hitler.

REMEMBERING FAITH FANCHER

HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Ms. LEE. Mr. Speaker, I rise today to honor the memory of an extraordinary woman, Faith Fancher. Faith passed away in her home in Oakland, CA, on October 19, 2003, at the age of 53 after a long battle with breast cancer.

Faith Fancher was a popular reporter with KTVU Television, Channel 2 and the recipient of numerous awards. Her plight was well-known to thousands of KTVU viewers after she disclosed that she was being treated for the disease. She hoped her story would teach others the benefits of early detection, so she allowed her friend, Elaine Corral Kendall and a camera crew to follow her treatment, which began in the Spring of 1997. “Faith’s Story” aired for three nights and won an award at the American Medical Association International Health and Medical Film Competition in 1997.

Faith was born in 1950 in Franklin, TN. She is the wife of Mr. William Drummond, professor of Journalism at the University of California, Berkeley, and they met in 1979, in Washington, DC, while both were working at National Public Radio. They were married on October 20, 1982. Faith leaves behind one
Faith graduated valedictorian of her class from St. Francis de Sales Boarding School for Girls in Powhatan, Virginia in 1967. She earned a Bachelor of Science degree in Education and English from the University of Tennessee at Knoxville summa cum laude in 1972 but her real education began with her broadcast career. Her first job was at WBR in Knoxville, TN. She was the first Black female journalist in Knoxville.

Faith Fancher was a remarkably strong human being. Her spirit-filled life inspired many to do good, to be humble, and to stay positive. Her smile, her diligent and dedicated work— in spite of the odds—kept hope alive for many. Faith’s love for the human family transcended artificial barriers and truly united us. Faith touched the lives of many, and as we celebrate her life, let us rededicate ourselves to her values and her vision for a better world. Faith lived a life filled with “faith, hope, and love.” For this, we are deeply grateful.

To Faith’s family, friends and fans, I extend my deepest sympathy.

H. CON. RES. 305, “IF YOU BUILD IT THEY WILL COME” BASEBALL FRIENDSHIP ACT

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. FILNER. Mr. Speaker, I rise today to introduce a resolution, H. Con. Res. 305, “If You Build It They Will Come” Baseball Friendship Act, expressing the sense of Congress that Major League Baseball should select Monterrey, Mexico, as a host for a quarter of the Montreal Expos home games to San Juan, Puerto Rico, and is one of the safest cities in Mexico, with a host of approximately 3 million people, 130 miles south of Laredo, TX, and is one of the safest cities in Mexico.

In recent weeks, the United States Ambassador to Mexico Tony Garza has written to the Commissioner of Major League Baseball Bud Selig urging the League to play a quarter of their home games in Mexico.

The Montreal Expos were bought by the other 29 Major League Baseball franchises before the 2002 season, and to increase revenue, Major League Baseball relocated 22 Expos home games to San Juan, Puerto Rico, for the 2003 season. Under this proposal, the people of Puerto Rico can continue to enjoy Major League Baseball.

Major League Baseball officials have spent many months discussing a permanent move of the Montreal Expos franchise, despite baseball’s intention to decide by the end of the regular season, it appears all permanent teams will be selected for the 2004 season.

Monterrey, Mexico, is a metropolitan area of about 3 million people, 130 miles south of Laredo, TX, and is one of the safest cities in Latin America. Monterrey has played host to a major league baseball game, Monterrey has played host to a major league baseball game, and Mexico and make baseball the North American pastime. For the good of baseball, for the good of the people of these two great nations, if we build it, they will come.

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the strong bond between the Monterey Institute of International Studies and the Peace Corps. The Monterey Institute is strongly committed to preparing individuals for two years of dedicated service in the Peace Corps with a new Master’s International Program. Students who successfully return after volunteering in the Peace Corps through the Master’s International Program are eligible to receive scholarships, which can cover eight of the remaining credits for the final semester. This has become a great tool for students in fulfilling their educational requirements.

Since its inception in 1961, President John F. Kennedy challenged the youth of this country to experience and work to relieve the poverty in underdeveloped countries. After 42 years, the Peace Corps have grown to have 170,000 volunteers in 136 different countries. These courageous and enthusiastic young people have helped change third world countries through education, business development, and most recently, volunteers are helping as a part of President Bush’s HIV/AIDS Act of 2003.

I am proud to say that I share the honorable and memorable experience of volunteering my service for the Peace Corps in Colombia during 1994-95. Mr. Lawrence Horan, the Director of the Monterey Institute of International Studies, had the same experience with the Peace Corps and today is now helping hundreds of current volunteers through their experience. Mr. Horan, the Monterey Institute of International Studies, and the Peace Corps as well should be commended for helping shape the world into a better place.

TRIBUTE TO NICK AND ROSE MARIE NEKOLA

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to two outstanding citizens from my district. Nick and Rose Marie Nekola of Pueblo, Colorado own and operate a valued Pueblo institution, lanne’s Pizzeria. For years, they have worked to provide a quality product and diligent service to local residents. For their hard work and dedication, I am honored to pay tribute to Nick and Rose here today.

Ianne’s Pizzeria was opened by Rose’s parents in 1954, at a time when the word “pizza” was foreign to most Puebloans. Nick and Rose took control of the pizzeria 32 years ago and have operated it ever since. In addition to serving quality food, the Nekolas have created a warm and welcoming environment at lanne’s. Many of their employees have been with the restaurant for over 20 years, and it is not unusual to meet a customer who has patronized the pizzeria for 30 years. Under the Nekolas’ guidance, lanne’s has become a staple of downtown Pueblo.

Mr. Speaker, in today’s climate of transition and change, it is truly refreshing to encounter an establishment dedicated to tradition and quality. Nick and Rose Marie Nekola have worked hard to make lanne’s Pizzeria an institution in the Pueblo community. For their hard work and integrity, I am honored to join with my colleagues in recognizing Nick and Rose Marie Nekola here today.

HONORING THE PRYOR FAMILY

HON. SANFORD D. BISHOP, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. BISHOP of Georgia. Mr. Speaker, family reunions are one of America’s great traditions. This is especially true in my area of southwest Georgia, where some of the country’s oldest and biggest family reunions are held. One of these is the Pryor family reunion, which has convened in the community of Leslie every year for the past century, attracting hundreds of people from Georgia and other States. This year’s reunion was held on October 4. I would like to share an article about this year’s 100th anniversary reunion in the Cordele Dispatch written by Ms. Betsy Butler, a descendant and a writer and editor for the newspaper.

The year was 1903. Only 14 percent of the homes in the United States had a bathtub. Only 8 percent had a telephone. There were only 8,000 cars in the U.S. and only 344 miles of paved roads. There had 45 stars. Arizona, Oklahoma, New Mexico, Hawaii and Alaska hadn’t been admitted to the Union yet. Today, 100 years later, we live in a world of airplanes and computers that connect people on opposite ends of the earth. Boy, how things change. But one thing has stayed the same—the Pryor family gathering.

Since 1903 the family has been coming to the small town of Leslie. What started as a gathering to mark the 50th wedding anniversary of Shepherd Green Pryor and his envelope Euler Tyson Pryor on October 4, 1903, has continued to bring the family together for 100 years.

Shepherd and Penelope had seven living children, 32 grandchildren and four great-grandchildren. Most of these attended the celebration, which would become the first annual family reunion.

According to Frank Wilson, a descendant, the menu has stayed the same for 100 years—by design. The menu has changed slightly, but has a host of good, traditional foods served by Penelope. The family’s menu has been a collection of letters written between Shepherd and Penelope during the years. There is a lot of history to the family. With two published books about the family, a narrative has become a part of the family’s history.

The family’s menu has been a collection of letters written between Shepherd and Penelope during the years. There is a lot of history to the family. With two published books about the family, a narrative has become a part of the family’s history.
the Civil War. In June of 2001 over 140 descendants traveled to Virginia for the dedication of Civil War breastplates. Quotes from the letters... were used on the Confederate breastplate!

This year’s reunion is no different from the 99 before it (as) hundreds of family members ascend on Leslie and spend the afternoon together over a barbeque lunch. In 100 years the world has evolved from a world of only one in 10 homes with a telephone to a world... has stayed the same—there family gathering.

TRIBUTE TO DR. MOHAMMED ALI ODEEN ISHMAEL

HON. DONNA M. CHRISTENSEN
OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to my friend Dr. Mohammed Ali Odeen Ishmael, Ambassador of Guyana to the United States of America and Permanent Representative of Guyana to the Organization of American States.

Ambassador Odeen Ishmael, who was born in 1948, was appointed to his current post, more than 10 years ago, in June 1993 and is presently the Dean of the Caribbean Ambassador.

Before becoming Ambassador, Dr. Ishmael previously worked as a teacher in Guyana, and served during the 1970s in the Ministry of Foreign Affairs of Guyana. He returned to teaching after his stint in Foreign Affairs. From 1985 to early 1993 he worked in The Bahamas in the areas of both secondary and adult education. He has represented Guyana at the OAS General Assemblies, and other specialized meetings of the hemispheric body in various countries of the hemisphere and has participated as a member of Guyana’s delegation to the U.N. General Assembly since 1983. In addition, he has headed Guyana’s delegation to meetings of the Regional Negotiating Machinery (of CARICOM) from 1997. From 1997, he has headed Guyana’s delegations to meetings Foreign Ministers of the Organization of Islamic Conference (OIC); and he also participated in the summits of Heads of States of the OIC in Tehran (1997) and Qatar (2000).

Ambassador Ishmael was also Guyana’s chief negotiator at the Summits of the Americas of 1994 (Miami), 1998 (Santiago de Chile) and 2001 (Quebec City), and also at the Summit of Sustainable Development in Bolivia (1996). At the OAS, he served as Chairman of the Permanent Council in late 1994, and oversaw the restoration of democratic government in El Salvador. He is the only Guyanese to serve in this prestigious position in the hemispheric organization.

He had previously served as Vice-Chairman of the Permanent Council during July-September 1993, and as Vice-Chairman of the Environment of the Permanent Council from August 1993 to July 1994. In 1994 he was also elected Chairman of the General Committee to prepare the OAS draft convention on the situation of persons with disabilities. In 1996, he was elected Vice-Chairman of the OAS Working Group on Sustainable Development.

In May 1997, Ambassador Ishmael was awarded one of Guyana’s highest honors, the Cacique Crown on Honor (CCH). Many years earlier, in 1974, he was awarded the Gandhi Centenary Medal at the University of Guyana. In political life, Ambassador Ishmael served in the Central Committees of the Progressive Youth Organization (PYO)—serving as Secretary-General of the Progressive Party (PPP) of Guyana, and in the course of his political work, he participated in numerous international conferences and activities in many different countries. He also assisted in lobbying Guyana’s case for electoral reforms in different countries in North and South America, Europe and the Caribbean.

He has written numerous articles on Education, Guyanese history and international political issues, which have been published in newspapers and journals in Guyana, the Caribbean and North America. His published books include Problems of the Transition of education in the Third World, Towards Education Reform in Guyana, and Amerindian Legends of Guyana. An Internet edition of a fourth book, The Trail of Diplomacy, was released in late 2001 in the process of compiling and editing a lengthy collection of original documents on the Guyana-Venezuela border issue under the title, Guyana’s Western Border. He is married and has two children.

I met Ambassador Ishmael when I was first elected to the House of Representatives and served as the Honorary Co-Chair of the Institute for Caribbean Studies Annual Awards Dinner. In the following years, I had the pleasure of working with him and his other Caribbean Ambassador colleagues on the several issues, from Trade to Immigration, and economic development, which continue to impact our democratic neighbors to the south.

I want to thank Ambassador Ishmael and his family for their commitment and dedication, during his tenure here in Washington, not only to issues affecting his home country Guyana but also to the issues and concerns of all of the countries of the Caribbean. I want to wish him much success in his new assignment and to say that Washington, DC Caribbean community will continue to benefit from his insightful, quiet leadership as well as his earnest friendship.

TRIBUTE TO ROBERT AUSTIN

HON. SCOTT McINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and the Nation today to pay tribute to an outstanding citizen from my district. Robert Austin of Gunnison, Colorado recently announced he will leave the Gunnison Valley Hospital after 19 years of dedicated service. As Robert embarks on a new phase of his life, I am honored to take this opportunity to recognize his accomplishments here today.

President of the Gunnison Valley Hospital since 1984, Robert has led the hospital through many changes. He has overseen the hiring of numerous surgeons, four building expansions, the creation of a long-term business plan, and Gunnison Valley’s designation as a Critical Access Hospital. Through it all, Robert has worked hard to run the hospital fairly and compassionately.

In addition to his work at the hospital, Robert is very active in his community. The Gunni-son Rotary Club, the Gunnison Area Foundation, and the Western State College Advisory Council all benefit from Robert’s participation.

In 1992, he was elected to the City Council, and has been reelected an astounding four times by the people of Redwood City. He has twice been selected by his Council colleagues to serve as the Mayor. He’s also
served as Chairman of the San Mateo County Council of Mayors and the Co-Chairman of Redwood City’s Aesthetics and Beautification Committee.

Mr. Speaker, I’m proud to have known Dick Claire for over thirty years and to call him my friend and my colleague in public service. He is a source of great pride to our entire community and I ask my colleagues to join me in honoring and thanking Mayor Claire for his extraordinary service to Redwood City, to California, and to our country. Because of him and his distinguished service, we are a stronger community and a better people.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. DENNIS MOORE OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. MOORE. Mr. Chairman, I will vote for this supplemental spending bill because I believe we have an obligation to support our troops. I am proud of our brave men and women in uniform and I am disappointed that the President has not assembled a greater international coalition to share the cost of policing and rebuilding Iraq. American troops and taxpayers should not bear this heavy burden alone. We are spending nearly $1 billion each week and 2 to 3 American lives each day to continue this effort.

Mr. Chairman, our military personnel are putting their lives on the line to maintain order in Iraq. Nearly 200 soldiers have died in bombings, ambushes and other hostile incidents since the President declared an end to major combat operations. We owe our brave men and women a deep debt of gratitude. But we also owe them a sustained diplomatic effort to ensure that our allies will share the peacekeeping burden in Iraq.

I also believe it is wrong to ask the American taxpayers to bear the full financial burden of rebuilding Iraq. That is why I supported an amendment which would have converted half of the reconstruction aid to a loan. That is also the reason I have consistently urged the President to involve our allies in the reconstruction effort. We should help the Iraqi people rebuild their country. But we shouldn’t do it alone.

Mr. Chairman, I am also concerned about the future costs of the Iraq effort. It is imperative that the Administration provide Congress with a realistic estimate of future reconstruction costs. Congress and the American people need this information in order to assess the impact our Iraq programs will have on our 2004 budget, which is projected to be more than a half trillion dollars in deficit.

Mr. Chairman, I support this legislation because I support our troops. These funds will help to ensure that our military personnel have the equipment they need to complete their mission in Iraq. But in the long run, the best thing we can do for our men and women in uniform is to more fairly share the peacekeeping burden with our allies.

TRIBUTE TO BOB KUUSINEN

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to an outstanding citizen from my district. Bob Kuusinen of Steamboat Springs, Colorado recently announced his retirement from the Steamboat Ski and Resort Corporation. Bob has been a faithful and dedicated member of the Steamboat community, and I am honored to pay tribute to his accomplishments here today.

Bob began his career in Steamboat over thirty-one years ago as a cook at Thunderhead Lodge. Over the years, Bob’s hard work has helped him to make his way up the ranks. Today, he retires as the Senior Vice President of Steamboat Ski Area Operations. In this role, Bob was responsible for overseeing the operations and functions of one of Colorado’s best-loved ski resorts.

Mr. Speaker, Bob Kuusinen stands as an example of the American Dream: if you work hard and remain dedicated and steadfast, there is no limit to what you can accomplish. Bob has helped make Steamboat Springs one of the premiere ski resorts in the nation, and I am honored to join with my colleagues in wishing Bob the very best as he prepares to begin his retirement.
Daily Digest

HIGHLIGHTS


The House passed H.J. Res. 73, making further continuing appropriations for fiscal year 2004.


Senate

Chamber Action

Routine Proceedings, pages S12907–S12984

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 1763–1772, and S. Res. 248.

Measures Reported:

S. 1132, to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, with an amendment in the nature of a substitute. (S. Rept. No. 108–169)

Class Action Reform: Senate continued consideration of the motion to proceed to consideration of S. 1751, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants.

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at 11:30 a.m., on Wednesday, October 22, 2003; following one hour of debate, the Senate will vote on the motion to close further debate on the motion to proceed to consideration of the bill.

Partial-Birth Abortion Ban Act—Conference Report: By 64 yeas to 34 nays (Vote No. 402), Senate agreed to the conference report on S. 3, to prohibit the procedure commonly known as partial-birth abortion, clearing the measure for the President.

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Authority for Committees to Meet:

Record Votes: One record vote was taken today.

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:17 p.m., on Wednesday, October 22, 2003. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S12948.)

Committee Meetings

(Committees not listed did not meet)

MILITARY OPERATIONS

Committee on Armed Services: Committee met in closed session to receive a briefing regarding ongoing military operations and areas of key concern around the world from Lieutenant General Norton A. Schwartz, USAF, Director for Operations, J–3, Major General Ronald L. Burgess, Jr., USA, Director for Intelligence, J–2, both of The Joint Staff; and Peter Rodman, Assistant Secretary of Defense for International Security Affairs.
TAX SHELTERS
Committee on Finance: Committee held a hearing to examine the current situation on tax shelters, and the role of the Federal Government relative to the buying and selling of tax shelters, receiving testimony from Senator Levin; Michael Brostek, Director, Tax Issues, General Accounting Office; Pamela F. Olson, Assistant Secretary for Tax Policy, and Mark W. Everson, Commissioner, Internal Revenue Service, both of the Department of the Treasury; Eileen O’Connor, Assistant Attorney General, Tax Division, Department of Justice; William J. McDonough, Public Company Accounting Oversight Board, and B. John Williams, Jr., Shearman and Sterling LLP, both of Washington, D.C.; Robert V. Lally, Federman, Lally and Remis LLC, Farmington, Connecticut; Philip C. Cook, Alston and Bird LLP, Atlanta, Georgia; Michael Hamersley, Fair Oaks, California; Robert Schmidt, and Thomas Walsh, both of San Jose, California; Henry Camferdam, Jr., Indianapolis, Indiana; and an anonymous witness.

Hearing recessed subject to the call of the Chair.

U.N. CONVENTION ON THE LAW OF THE SEA

U.S. ENERGY SECURITY
Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion concluded a hearing to examine U.S. energy security policy relating to West Africa and Latin America, focusing on prospects for increasing energy production in Latin America and West Africa, promoting a good investment climate, and oil imports, after receiving testimony from John R. Brodman, Deputy Assistant Secretary of Energy for International Energy Policy, Office of Policy and International Affairs; Matthew T. McManus, Acting Director of International Energy and Commodity Policy Office, Economic and Business Affairs Bureau, Department of State; and J. Robinson West, PFC Energy, David L. Goldwyn, Goldwyn International Strategies, LLC, and Marina Ottaway, Carnegie Endowment for International Peace, all of Washington, D.C.

TERRORISM
Committee on the Judiciary: Committee concluded a hearing to examine the Department of Justice efforts in the investigation and prosecution of terrorists, focusing on how anti-terrorism tools have been crucial to those efforts, and how they have helped prosecutors and agents in fighting the war on terrorism, after receiving testimony from Christopher A. Wray, Assistant Attorney General, Criminal Division, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois (Chicago), and Paul J. McNulty, United States Attorney for the Eastern District of Virginia (Alexandria), all of the Department of Justice.

House of Representatives

Chamber Action


Additional Cosponsors: Pages H9812–13

Reports Filed: No reports were filed today.

Recess: The House recessed at 9:13 a.m. and reconvened at 10 a.m.
Energy Policy Act of 2003: The House debated the Markey motion to instruct conferees on H.R. 6, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people. Further consideration of the motion was postponed.  

Medicare Prescription Drug and Modernization Act of 2003: The House debated the Brown of Ohio motion to instruct conferees on H.R. 1, to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the medicare program and to strengthen and improve the medicare program. Further consideration of the motion was postponed until a later date.  

Tax Relief, Simplification, and Equity Act of 2003: The House debated the Woolsey motion to instruct conferees on H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit. Further consideration of the motion was postponed until a later date.  

Legislative Program: The Majority Leader announced the legislative program for the week of October 27–31.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, October 24, and further that when it adjourns on that day, it adjourns to meet at 12:30 p.m. on Tuesday, October 28.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, October 29.

Adjournment: The House met at 9 a.m. and adjourned at 6:50 p.m.
Biddle, Associate Research Professor of National Security Studies; and a public witness.

FORCES—RESETTING AND RECONSTITUTING

Committee on Armed Services: Subcommittee on Readiness held a hearing on Resetting and Reconstituting the Forces. Testimony was heard from the following officials of the Department of Defense: Adm. Michael G. Mullen, USN, Vice Chief of Naval Operations and Gen. William L. Nyland, USMC, Assistant Commandant of the Marine Corps, both with the Department of the Navy; Gen. T. Michael Moseley, USAF, Vice Chief of Staff, Air Force, Department of the Air Force; and Lt. Gen. Richard A. Cody, USA, Deputy Chief of Staff, G–3, Department of the Army.

C41 INTEROPERABILITY


U.S.-CHINA TIES

Committee on International Relations: Held a hearing on U.S.-China Ties: Reassessing the Economic Relationship. Testimony was heard from Grant D. Aldonas, Under Secretary, International Trade Administration, Department of Commerce; and public witnesses.

U.S. POLICY—WESTERN HEMISPHERE—CHALLENGES AND OPPORTUNITIES

Committee on International Relations: Subcommittee on the Western Hemisphere held a hearing on Challenges and Opportunities for U.S. Policy in the Western Hemisphere. Testimony was heard from the following officials of the Department of State: Roger F. Noriega, Assistant Secretary, Bureau of Western Hemisphere Affairs; and Adolfo A. Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, AID; and a public witness.
HOMELAND SECURITY CONTRACTS—CHALLENGES SMALL BUSINESSES FACE

Committee on Small Business: Subcommittee on Rural Enterprise, Agriculture and Technology held a hearing entitled “Challenges that Small Businesses Face Accessing Homeland Security Contracts.” Testimony was heard from Kevin Boshears, Director, Office of Small and Disadvantaged Business Utilization, Department of Homeland Security; Michael Barrera, Associate Deputy Administrator, Government Contracting and Business Development, SBA; and public witnesses.

DEPARTMENT OF VETERANS AFFAIRS—PHYSICIAN AND DENTIST COMPENSATION ISSUES

Committee on Veterans’ Affairs: Subcommittee on Health held a hearing on the Department of Veterans Affairs physician and dentist compensation issues. Testimony was heard from the following officials of the Department of Veterans Affairs: Robert H. Roswell, M.D., Under Secretary, Health; Jacqueline Parthemore, M.D., Chief of Staff/Medical Director, San Diego Health Care System; Richard Bauer, M.D., Chief of Staff, South Texas Health Care System; Sheila M. Cullen, Medical Director, San Francisco Medical Center; Michael H. Ebert, M.D., Chief of Staff, Connecticut Health Care System; Michael M. Lawson, Director, Boston Health Care System; and Michael S. Simberkoff, M.D., Executive Chief of Staff, New York Harbor Health Care System; and public witnesses.

MIDDLE EAST ISSUES

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Middle East Issues. Testimony was heard from departmental witnesses.

FUNDING FOR FIRST RESPONDERS

Select Committee on Homeland Security: Held a hearing entitled “Funding for First Responders: Ensuring That Federal Funds Are Distributed Intelligently.” Testimony was heard from John G. Rowland, Governor, State of Connecticut; Ray A. Nelson, Executive Director, Office for Security Coordination, State of Kentucky; John D. Cohen, Special Assistant to the Secretary of Public Safety, State of Massachusetts; and a public witness.

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 22, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine counterterror initiatives in the terror finance program and organization of terror groups for funding and future U.S. responses, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine federal involvement in the regulation of the insurance industry, 9:30 a.m., SR–253.

Subcommittee on Oceans, Fisheries and Coast Guard, to hold an oversight hearing on fisheries, 9:30 a.m., SR–428A.

Committee on Foreign Relations: Subcommittee on European Affairs, to hold hearings to examine Anti-Semitism in Europe, 2:30 p.m., SD–419.

Committee on Governmental Affairs: business meeting to consider pending calendar business, 10:30 a.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine the nomination of David Wayne Anderson, of Minnesota, to be an Assistant Secretary of the Interior; to be followed by a business meeting to consider pending calendar business, 10 a.m., SD–106.

Committee on the Judiciary: to hold hearings to examine the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit, 10 a.m., SH–216.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

No committee meetings are scheduled.
vote on the motion to close further debate on the motion to proceed to consideration of the bill to occur at approximately 12:30 p.m.

Program for Wednesday:

**Next Meeting of the SENATE**
9:30 a.m., Wednesday, October 22

**Next Meeting of the HOUSE OF REPRESENTATIVES**
10 a.m., Friday, October 24

**Senate Chamber**

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will continue consideration of the motion to proceed to consideration of S.1751, Class Action Reform, with a vote on the motion to close further debate on the motion to proceed to consideration of the bill to occur at approximately 12:30 p.m.

**House Chamber**

**Program for Wednesday:** The House is not in session on Wednesday, October 22. The House will meet in pro forma session on Friday, October 24 at 10 a.m.

**Extensions of Remarks, as inserted in this issue**

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