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House of Representatives

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2115, VISION 100—CENTURY OF AVIATION REAUTHORIZATION ACT

The SPEAKER pro tempore. The Chair would announce that we have 7 minutes remaining to finish the debate on the rule. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 5 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER), our distinguished minority whip.

Mr. HOYER. Mr. Speaker, the Republican leadership has turned what should have been a bipartisan achievement into a partisan travesty. When we passed this legislation by a vote of 418–8 on July 11, we explicitly barred the privatization of air traffic controllers. We did so because we were concerned about the safety of the American public. The Senate bill which passed 94–0 went even further. It extended the protection to airway system specialists. Why? On behalf of the safety of the American public.

Then the Republican leadership hijacked this legislation. It adopted a conference report that rejected the opinion of the House and rejected the opinion of the Senate and stripped out the language barring privatization, again, passed to protect the safety of the American flying public.

Instead, it allowed 69 air traffic control towers to be turned over to private companies which must always put the bottom line first, and it removed the protections for airway systems specialists, removed mandatory and terrorism training for flight attendants, and permitted foreign airlines to raid U.S. markets.

Even Republicans balked at these changes, and that is why this legislation has hung around for so long, but Mr. Speaker, without the explicit prohibition on privatization that was included in the bill we passed in June, the administration is free to move forward with privatization, notwithstanding the will of the House and the will of the Senate. That should not be acceptable in a democratic legislative body. The flying public deserves better. America deserves better. They need to know that the people on the ground responsible for air safety are not being forced to cut corners to save dollars.

I urge my colleagues to vote for a fair process and vote for the public safety by voting down this legislation and this conference report. I thank the gentleman for yielding me the time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inquire at this time how many speakers the other side has remaining.

Mr. MCGOVERN. I am the last speaker on our side.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Alluding to the facts, Mr. Speaker, I think is important sometimes. Under the Presidency of William Jefferson Clinton, approximately 150 control towers were privatized.

□ 1530

This legislation mandates no privatizations. And under the Presidency of George W. Bush, by the way, there have been zero towers privatized.

I do not recall the protests during the 150 privatizations during the years of Bill Clinton. What I do know is that this legislation mandates no privatizations. The facts sometimes, Mr. Speaker, are important.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts has 2½ minutes remaining.

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

Mr. Speaker, I will be asking for a vote on the previous question, and if the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that upon adoption of this rule the enrolling Clerk is directed to make the following changes to the conference report:

One, to insert the language in the Senate-passed FAA bill that would prohibit the privatization of the air traffic control system. Two, to strike the cabotage language in the bill that would allow foreign airlines to carry cargo between cities in Alaska and other cities in the United States. Three, to restore the mandatory TSA security and antiterrorism training guidelines for flight attendants that was in the House-passed version of the FAA bill. The conference report makes these important guidelines discretionary. And, four, to delete the requirement for certain communities to pay a local share for essential air service.

Mr. Speaker, these changes represent the true will of the Congress with regard to this very important legislation. What has happened since H.R. 2115 first went to conference, and particularly in the past 2 days, is a travesty of our democratic system of government. It is obscene that the leadership in the House of Representatives and the Senate would turn our legislative process on its head. And it is even more obscene if we were to let that happen without any protest. This type of behavior must stop. The last time I looked, we lived in a democracy. This is supposed to be a deliberative body. We all took an oath of office when we began serving in this fine institution. It is time to live up to that oath.

I want to stress that a ''no'' vote on the previous question will not stop consideration of the conference report for the FAA reauthorization; rather, a ''no'' vote will allow the House to

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amend the rule to make the changes necessary for this conference report to truly reflect the bill that won widespread bipartisan support in both the House and the Senate.

Again, I urge my colleagues to vote ''no'' on the previous question and remind them that this is the only way that we are going to prohibit the privatization of our air traffic control system.

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

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

There was no objection.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation reauthorizes the FAA. It is extremely important to the safety of the flying public in this country. In addition, it reauthorizes $3.4 billion for the FAA and increases it by $100 million each year.

Mr. Speaker, many of the ideas of our friends on the other side of the aisle, and I have a whole page of them here in summary, were included in this legislation. And with regard to what we have heard time and time again about phantoms of privatization, and though 150 occurred during President Clinton's administration, this legislation mandates none.

Mr. Speaker, this is an important piece of legislation. We must pass it today, and so I urge my colleagues to pass the rule and the underlying legislation.

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

PREVIOUS QUESTION FOR H. RES. 422—RULE ON CONFERENCE REPORT FOR H.R. 2115 FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

AMENDMENT TO H. RES. 422 OFFERED BY REP. MCGOVERN

Strike all after the resolved clause and insert:

''That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. (a) A concurrent resolution specified in subsection (b) is hereby adopted.

(b) The concurrent resolution referred to in subsection (a) is a concurrent resolution

(1) which has no preamble;

(2) the title of which is as follows: ''Providing for Corrections to the Enrollment of the Conference Report on the bill H.R. 2115''; and

(3) the text of which is as follows:

H. CON. RES.—

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 2115, the Clerk of the House of Representatives shall make the following corrections:

(1) At the end of subtitle B of title II of the conference report, add the following (and conform the table of contents of the conference report accordingly):

''SEC. 230. TRANSFER OF CERTAIN AIR TRAFFIC CONTROL FUNCTIONS PROHIBITED.

''(a) IN GENERAL.—The Secretary of Transportation may not authorize the transfer to a private entity or to a public entity other than the United States Government of—

''(1) the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act; or

''(2) the maintenance of certifiable systems and other functions related to certification of national airspace systems and services operated by the Federal Aviation Administration on the date of enactment of this Act or flight service station personnel.

''(b) CONTRACT TOWER PROGRAM.—Subsection (a)(1) shall not apply to a Federal Aviation Administration air traffic control tower operated under the contract tower program as of the date of enactment of this Act.''.

(2) Strike section 408 of the conference report (and conform the table of contents of the conference report accordingly).

(3) In section 603 of the conference report, in the matter proposed to be inserted as section 44918(a)(4) of title 49, United States Code, strike ''the Under Secretary may establish minimum standards'' and insert ''the Under Secretary shall establish minimum standards''.

(4) Strike section 808 of the conference report (and conform the table of contents of the conference report accordingly).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 222, noes 199, not voting 13, as follows:

[Roll No. 586]

AYES—222

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

NOES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan

Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Akin
Bradley (NH)
Case
Clay
Fletcher
Gephardt
Gutierrez
Hobson
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1552

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 220, noes 199, not voting 15, as follows:

[Roll No. 587]

AYES—220

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

NOES—199

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

NOT VOTING—15

Akin
Barton (TX)
Bradley (NH)
Case
Clay
Fletcher
Gephardt
Gutierrez
McCotter
Miller (NC)
Pearce
Pickering
Sanchez, Linda T.
Scott (GA)
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1600

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion to adjourn offered by the gentleman from Florida (Mr. HASTINGS).

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 54, noes 360, not voting 20, as follows:

[Roll No. 588]

AYES—54

Ackerman
Allen
Baird
Baldwin
Ballance
Berry
Brown, Corrine
Capuano
Carson (IN)
Clyburn
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hill
Hinchey
Honda
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Millender-McDonald
Oberstar
Pallone
Pelosi
Rodriguez
Sandlin
Schakowsky
Thompson (MS)
Tierney
Towns
Velazquez
Waters
Waxman
Woolsey

NOES—360

Abercrombie
Aderholt
Alexander
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher

Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Akin
Blumenauer
Bradley (NH)
Burr
Case
Clay
Conyers
Feeney
Fletcher
Gephardt
Gordon
Gutierrez
Herger
Hunter
McCotter
Miller (NC)
Miller, George
Pearce
Sanchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1616

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2115, VISION 100–CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, pursuant to House Resolution 422, I call up the conference report on the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 422, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 29, 2003, at page H10008.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. MICA) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

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

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DEFAZIO. Mr. Speaker, I would like to inquire whether the rules and precedents of the House require that after the House has voted, that we meet in conference, that an actual meeting of a conference take place?

The SPEAKER pro tempore. Under the precedents of the House, a conference report must be the product of an actual meeting of the managers appointed by the two Houses.

Mr. DEFAZIO. Mr. Speaker, I am sorry, the answer is yes then; when we vote to go to conference, there has to be an actual meeting?

The SPEAKER pro tempore. The gentleman is correct.

POINT OF ORDER

Mr. DEFAZIO. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. DEFAZIO. Mr. Speaker, I would make a point of order, since there was no actual meeting of the conference.

The SPEAKER pro tempore. Does the gentleman wish to be heard on his point of order?

Mr. DEFAZIO. I do.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. DEFAZIO. Mr. Speaker, this is a crucial issue of the privileges of Members in our representation of our districts, of our constituencies, and of the precedents of the House of Representatives on how we conduct business.

The House earlier this week voted unanimously to return to conference because the bill had been in dispute because of a contentious section regarding the privatization or contracting out of 69 air traffic control towers. The only way it seemed possible to resolve that issue was to return to conference. The House voted unanimously to return to conference, but no conference meeting was ever held. Earlier in the debate one would have gotten the impression that such a meeting was held. It was not held.

The Chair has ruled that an actual physical meeting of the conferees representing the various points of view on the bill in representing their constituents must be convened and they must have the opportunity to work through those issues.

In this case, there was no meeting of any conference. No Democratic Member, and, to the best of my knowledge, no Republican Member, was invited to a conference, there was no public notice of a conference, and no conference took place. Yet the bill was modified and returned to the floor of the House here.

So, Mr. Speaker, given the 200 years of precedent that an actual conference meeting must take place before you can have a conference report, I would respectfully make a point of order under clause 12 of rule XXII that there be at least one conference meeting. As I understand it, that same rule provides for a point of order in the House against the report and for an automatic request for a new conference if the House managers fail to meet in open session.

So I would ask that the Chair so rule, that this bill is out of order, and that we be mandated to return to actually have a physical meeting of a conference.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. MICA. Mr. Speaker, I do.

Mr. Speaker, the House, as I recall, just passed on a vote of 220 to 199 a rule by which this legislation would be considered before the House of Representatives. In that rule, there was clearly a provision that waived all points of order, which also would negate the previous standing rule of the House for specific meeting.

I might say also, Mr. Speaker, in the debate on the rule I did cite the sequence of events in which the conference did meet and in which full participation was permitted, and specifically cited a rule on the particular issue that has raised so much controversy here. We did acquiesce to the minority's request to pull that provision, and that was the reason it was handled in that fashion.

So, again, based on the passage of the rule, the provisions of the rule and the adoption of the rule subsequently by the House of Representatives, I think that you will find the gentleman's point of order out of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. OBERSTAR. Mr. Speaker, I wish to be heard on the point of order.

Mr. Speaker, surely the gentleman from Florida speaks about a supposititious meeting and a supposititious participation, because none such existed.

Mr. Speaker, I would yield to the gentleman to explain what he meant by ''full participation.''

The SPEAKER pro tempore. The gentleman cannot yield.

Mr. OBERSTAR. I cannot yield. I thank the Speaker.

That is the point; there was no such meeting. That, I find extraordinary. In the 40 years that I have served on the Committee on Public Works, now the Committee on Transportation and Infrastructure, I started on that committee as a clerk on the Subcommittee on Rivers and Harbors in January of 1963, I followed every one of our conferences. I have served on conferences for 24 years. Never have we failed to have meetings, except in a very few instances when a bill was conferenced without formal meeting of conferees, for which I reference the Aviation Noise Act of 1990, in which case the Senate, the other body, failed to call a meeting of conferees, but we did meet. The gentleman from Pennsylvania, Mr. Clinger, was the ranking Republican on the subcommittee I chaired at that time, and I included him in every meeting.

We did not have that courtesy extended to us. The rules of the House clearly were violated, to say the worst; avoided, to say the best. And I will compliment the Chair of the Committee on Rules. Last night when I raised this point, he, too, was shocked and offended and said that he would take this matter up with leadership and see that it does not happen again.

But the gentleman from Oregon makes a point of order that is sustained by the rules of the House, and I support the gentleman's call for a ruling by the Chair.

The SPEAKER pro tempore. If no other Member wishes to be heard on the point of order, the Chair is prepared to rule.

Under House Resolution 422, previously adopted by the House, all points of order against consideration of the conference report are waived, and the point of order is overruled.

The gentleman from Florida (Mr. MICA) is recognized for 30 minutes.

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

Mr. Speaker, we finally come to the conference report on H.R. 2115, the Vision 100—Century of Aviation Reauthorization Act. It has been a struggle to get here, but I believe it is critical to the success of aviation that we complete our mission, particularly on this 100th anniversary of the first flight in the United States by the Wright Brothers.

I want to take this time as we finish this conference report and this legislation to commend the Members of the minority. My ranking member, the gentleman from Oregon (Mr. DEFAZIO), has been an outstanding leader on transportation issues in the Committee on Transportation and Infrastructure, and I have been honored to have him as a subcommittee ranking member. He has worked diligently in a bipartisan manner to craft what I consider to be an excellent piece of legislation.

During the rule debate, it was cited how many provisions were added by the Members of the minority, and I compliment the Members of the minority for their contributions to this well-crafted piece of legislation.

Also, I want to take time to thank the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR). The gentleman is one of the most knowledgeable people on transportation issues. When I came to the Congress in 1993, he chaired the Subcommittee on Aviation. I have learned a great deal under his stewardship. He is also a font of historical institutional knowledge, both to the subcommittee and also to the committee, and has contributed greatly to the text of this measure.

Now, this is a sizable measure and there are, again, some 70-plus Members on here, and there are some issues where folks did not get their entire provision included in this bill. It is difficult when you have such a diverse committee, and subcommittee of over 40 members, to please everyone and put every provision in possible. But, for the most part, this is a bipartisan piece of legislation, crafted in a bipartisan spirit, in the tradition of the Committee on Transportation and Infrastructure.

This past week I attended the funeral ceremony of my former boss, William C. Cramer. He was the first Republican Member of Congress to represent Florida since the postreconstruction period, and I always looked up to him as ''Mr. Public Works.'' He added tremendously to the bipartisan working relationship that has continued, even when he was the only Republican from the State of Florida. I am pleased now, we have 18 out of 25 Republican Members from Florida. I appreciate his contributions. I also appreciate those of the minority in crafting this.

Now, one would have to live on another planet to not know that there has been controversy over one primary issue, and that is the issue of privatization. We did include initially in this legislation a provision that did allow this President to look at some 69 specified VFR fully FAA-staffed towers and possibly consider them for future privatization or conversion to contract towers.

After some 3 months. Since this past July 24, I believe, we filed the report and the conference met, and we did agree to take that provision out. We did not have a formal meeting of the conference committee. We knew after months of conflict that the issue was tearing us apart.

But now we have taken that out, and we are in a situation where we have a piece of legislation, and this conference report, that is totally, completely silent on the issue of privatization. And now we are prepared hopefully to go beyond that, because this bill has many important provisions that we need.

First of all, this measure aids in restoring jobs and opportunities in the American aviation industry.

□ 1630

We all know how hard hit this industry has been since the effects of the horrible day of September 11. No industry has lost more jobs. We talk about the loss of 2.7 million jobs in the economy; I would venture to say that at least 1 million are related either directly or indirectly to aviation. And it is slowly coming back, and this bill will aid it in coming back. So this will help us in creating jobs and opportunities for people in one of our most dynamic industries in this country.

Finally, there are several other points that I would like to make about this legislation. It does release the money for aviation trust funds to pay for airport improvements. All across this country, airports are beginning to again rebuild the passenger traffic, to rebuild; we can almost feel some of the economy coming back. If we do not pass this, those improvements come to a halt, not only for improving the airports and the infrastructure, but also for security improvements that are so important. We have provided in this bill to again assist our airports with that important mission.

So there are a whole host of areas where this is beneficial to the whole country. I urge the passage of this conference report.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 5½ minutes.

I appreciate the very thoughtful comments of the gentleman from Florida about my service during the time I was the Chair of the subcommittee. We have had a very constructive, generally, relationship between the majority and the minority, both prior to the Republican majority and subsequent to it. Generally, on the Subcommittee on

Aviation, this has been perhaps the most constructive area of work on the Committee on Transportation and Infrastructure over the past 9 years.

But we have really run aground here on this issue. Had we actually had a conference and had a full, thorough discussion and debate the first time around, and had we been able to discuss the four principal issues. I agree with the chairman of the subcommittee, there are many other matters of great importance: funding of the air traffic control system, F&E account, the operations account, the research and development account. All of those are important, and there are other important measures.

But, there are four items on which we should have had a full discussion. And if we had and if we had been able to negotiate back and forth, some give and take, maybe we would win some of it and maybe the other side would win some of it. And this is not Democrat or Republican side. There are ideological differences on this matter; and if it came out this way after full and thorough discussion, we came out with the package now before us, it would have been a different arena. We did not have that discussion. We had it only for the few minutes during the first conference. After the conference report was recommitted, we had no meeting; we had no discussion. I appreciate the gentleman's comments that the minority asked to drop the language. I do not know who was consulted. We never had that conversation, either formally or informally. What we wanted was a discussion of options, of opportunities.

The gentleman from Florida has several times referenced the report of the Inspector General of DOT. Now, the actual statements of the Inspector General I quote: ''In addition to limitations on evaluating the rating of contract towers performance,'' he said, ''and due to the low number of operational errors at both places,'' that is both contract and FAA, ''I would caution you against concluding that either group has a safer safety record than the other. It is just not fair to draw that conclusion.''

The Inspector General's report goes on to show that, or the gentleman says that the IG's report says, the contract towers are two times safer than FAA towers. The IG specifically cautioned against this interpretation of the study.

So I asked the General Accounting Office to evaluate the IG report, and that is what the General Accounting Office came back and said: ''We identified several potential limitations with FAA's data on operational errors based on our review of GAO and DOT reports and application of best methodological practices. Due to the way data are recorded, the severity of many errors cannot be determined or is misleading. Further, comparisons of operational errors among types of air traffic control facilities such as FAA staff versus contractor staff cannot be used alone to provide valid conclusions about safety, due to three factors we identified based on standards of methodological practices and our understanding of FAA's data. The determination,'' quoting further, ''of real differences in the rate of operational errors is difficult, and comparisons of operational error rates alone are not sufficient to draw conclusions.''

The point is, there has never been a thorough, full discussion of this issue. We should have that. We should have had an extended hearing on the subject matter. We should have had a discussion of what policy this administration plans to bring to the privatization of air traffic control facilities. We have not had it.

When the Clinton administration came up with this idea in 1993, I vigorously opposed it, with great support from our colleagues across the aisle; and we sent them in full flight retreat on this subject. We ought to do the same. We ought to join forces today to do the same, to put this issue in full flight retreat.

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

Mr. MICA. Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the full Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman for the work he has done on this legislation and the abuse he has taken over the last month and a half. He has stood up better than most people. I want to thank the staff, especially, for the work they have done over this period of time. I also want to thank the gentleman from Minnesota (Mr. OBERSTAR). He is probably the most knowledgeable person in this House about aviation and has worked on it longer than anybody else, understands the problems and the needs. I would also like to say that I do appreciate the time that he has spent with me and the gentleman from Florida (Mr. MICA) and the gentleman from Oregon (Mr. DEFAZIO) on writing, I think, a very good piece of legislation.

I will say this: I learned one thing. I will never let a cow out in the pasture without a halter again. This thing sort of got away from me a little bit, but it is still a good bill. It is a bill that should be done; it should be passed. The conference report is very, very, very vital. It does reauthorize the Federal aviation part for 4 years.

I understand the part that has been the most controversial, which is the air traffic control privatization. I will say that when we did pass this in the House, we did not allow any of that to occur. I was in a position that I had to recognize a result instead of just a philosophy and a position that had to be achieved, and that was to try to compensate for interests outside of even the conference. And that was to try, and I thought we had done a good job of protecting, 95 percent of the control towers. That is what we do in the bill. But I had to agree to, and I will not apologize for it, to 69 and, yes, I will say, I took mine out; it was originally 71. But that is the process of the conference.

But this bill does a lot of the other things besides that. That is what the most emphasis is upon. It does fund the small community air service program, the essential air service programs. It provides an increased airport improvement grant funding for the improvement of our airports. There are streamlining airport project reviews that are very important to get our airports built. Increases the number of slots at Reagan National Airport, with which some may not agree, but it was not the abundance of slots that there were on another bill. We kept the slots to a very minimum. It provides flight crew training and certification.

Very frankly, as my colleagues know, this industry has taken a tremendous beating. We need this legislation to pass. We need it to become law. We need to get on with the idea of making sure our airports are safe under this legislation, and that we have the ability to move passengers safely and on time, and that we are not delayed by, I think, inactivity by another agency which sometimes does not do the job they should, and people are frustrated. I have talked to thousands of people today that are not afraid to fly; they are just afraid of the harassment of going to the airport. So I think we must address that.

Overall, again, this, I believe, is a tremendous piece of legislation. It has some flaws, but when we work with two bodies and there are interests from the other side, we have to give some, we take some, and we end up with a result. I believe the result is a good piece of legislation.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the ranking member of both the subcommittee and the full committee for yielding me this time.

Mr. Speaker, I rise in strong opposition to H.R. 2115, this FAA reauthorization bill conference report.

To begin with, I am deeply concerned that the Democratic members were not included in this conference committee. Members from both sides of the aisle and in both Chambers of Congress have worked too hard on this aviation reauthorization bill to have had it stalled over disputes that can be rectified through consensus.

Secondly, the language that was struck from section 230 will actually make it easier for the privatization of air traffic control positions. Ultimately, when we address the future of our national air traffic controllers, I firmly believe that we need to view it through the scope of safety and security. No amount of cost-saving can

come close to substituting for the safety and security of our national aviation system and infrastructure.

This is not an administrative shell game, Mr. Speaker, nor should we treat it as such. At risk is the American flying public.

In 2002, 612 million people boarded U.S. carriers, serving both domestic and international flights. No event illustrates the importance and the grave necessity of ensuring that we have a skilled air traffic control network than the events of 9–11. On that horrific day, as Americans waited for the next tragic event to unfold, our Nation's air traffic controllers calmly landed almost 5,000 planes in 2 hours without any operational incidents or errors. This incredible feat was due to the skill and ultimate professionalism of our Nation's air traffic controllers.

As a senior member representing California on the Subcommittee on Aviation, I have local concerns as well. Specifically, Southern California is no ordinary region. We are the most populous region in the country. The congestion on the highways of Southern California is legendary.

Mr. Speaker, let us oppose this bill.

Mr. MICA. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate the diligence and leadership that he has provided and the countless hours that he has invested in providing us with a good bill today. I want to echo the gentleman from Alaska's (Chairman YOUNG) thanks and appreciation to the gentleman from Minnesota (Mr. OBERSTAR) whose time of service, whose interest, whose involvement in this and in all transportation projects is very admirable, particularly on aviation. His knowledge and wisdom and experience that he brings to the table is outstanding, and I appreciate the friendship that we share.

Mr. Speaker, today I rise in support of the FAA reauthorization bill because we need to move forward with improvements to our Nation's aviation system. This bill is about improving our Nation's aviation infrastructure and system at a time when we are looking for ways to stimulate our economy. Slowing the modernization of our aviation system is exactly the wrong thing to do.

The conference report includes more than $14 billion for airport improvements, money from the aviation trust fund to pay for improvements such as new runways, taxiways, terminal buildings and noise abatement, and a streamlined environmental review process. The bill includes over $100 million in critical funding to support air services at small and medium airports.

The legislation provides an important economic stimulus. Civil aviation generates more than $900 billion in gross domestic product every year. In fiscal year 2004 alone, funding in the FAA reauthorization bill for airport construction projects will create approximately 162,000 direct and indirect jobs. Over the life of the bill, the $14 billion for airport improvements will create approximately 665,000 jobs. It frees up takeoff and landing slots at Reagan National Airport. It increases competition for consumers. For cargo pilots, it allows them to be armed, just like passenger airline pilots.

Mr. Speaker, this bill keeps our promise to the flying public and continues the guarantee that all of the taxes and revenues paid into the aviation trust fund will be used and fully spent for airport improvements, air traffic control modernization; and all of these issues will be fully funded.

□ 1645

MOTION TO ADJOURN

Mr. OBERSTAR. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion to adjourn offered by the gentleman from Minnesota (Mr. OBERSTAR).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 55, nays 360, not voting 19, as follows:

[Roll No. 589]

YEAS—55

Allen
Baird
Baldwin
Berry
Brown, Corrine
Capps
Capuano
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
DeFazio
Delahunt
DeLauro
Dingell
Doggett
Farr
Filner
Frank (MA)
Grijalva
Hill
Holt
Honda
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
McDermott
McGovern
McIntyre
Meek (FL)
Millender-McDonald
Miller, George
Oberstar
Pallone
Pascrell
Pelosi
Sandlin
Schakowsky
Solis
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Velazquez
Waters
Waxman
Woolsey

NAYS—360

Abercrombie
Ackerman
Aderholt
Alexander
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Akin	Gutierrez	Miller (NC)
Bereuter	Harman	Murtha
Bradley (NH)	Hunter	Pearce
Case	Kleczka	Sanchez, Linda T.
Fletcher	Lowey	Stupak
Gephardt	Manzullo	
Goss	McCotter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1717

Messrs. LEWIS of Kentucky, REYNOLDS, BISHOP of Utah, BARRETT of South Carolina, WILSON of South Carolina and FEENEY changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2115, VISION 100–CENTURY OF AVIATION REAUTHORIZATION ACT

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise the managers that the gentleman from Florida (Mr. MICA) has 17½ minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 22½ minutes remaining.

The gentleman from Minnesota (Mr. OBERSTAR) is recognized.

Mr. OBERSTAR. Mr. Speaker, I thank the Speaker for a commendable job of maintaining order in the House.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), ranking member on the Subcommittee on Aviation.

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

There is some confusion about what actually we are voting on here and what the impact will be, and I would just like to make that clear to Members.

This President early in his term issued an executive order finding that air traffic control is not inherently a governmental function, which opens up the potential for basically a contracting out of the air traffic control system of the United States. The original House bill, debated fully in committee, prohibited privatization of air traffic control. It made a minor exception, particularly for maintenance of the system. The Senate bill debated and voted on an amendment which absolutely prohibited any contracting out by the FAA, even for maintenance purposes. So we went to conference with a prohibition in both the House and the Senate bill on the contracting out of air traffic control, the control of our air space and the safety of the flying public.

At the one brief conference meeting last July, suddenly we were confronted with a proposal to privatize 71 air traffic control towers in the United States. For unclear reasons why 71, and then, of course, for policy reasons, two were stripped, which has been spoken to earlier because Alaska is indeed unique, but there were still 69 to be contracted out.

The leadership found they could not pass that bill. So this week we voted to go back to conference. There was no conference. There was a press conference by the majority, and then we are back now in the House, and as the Chair said earlier, there was no conference, and that would normally violate the rules of the House. It never met, but that rule is waived, so we are here now.

We have heard from that side that there is no mandate for privatization in this bill. That is correct, but what we have here is very clear intent. The President has said air traffic control, the control of our air space for safety purposes and national security, is not inherently a governmental function. I think that is an astounding finding, but that is what this President has found. And that means that with no language in the bill, the President can contract out any or all of the air traffic control system in the United States, and I believe that would be disastrous for the traveling public and disastrous for national security.

We are going to trust to some private, for-profit contractor, working perhaps under direction of the airlines, with spacing of airplanes and other critical things that go to safety issues in this country? I do not believe that is an experiment we need to conduct.

We have the most efficient air traffic control system, the safest air traffic control system in the world. There is nothing to be improved upon here except that no one makes money on it.

So that is what the vote is about. There is going to be privatization if my colleagues vote for this conference report. The White House has made it clear. They said they would veto the bill if they did not get the right to do at least 69 towers. So it is clear where they are going to go. They have said it is not an inherently governmental function. Protecting the flying public, their safety, protecting and securing the air space of the United States, according to this administration, is not an inherently governmental function. That is an absurd position for the Government of the United States, particularly after 9/11.

They also stripped out language in the bill that said that flight attendants shall get additional training to deal with terrorists. At the urging of Continental Airlines, it was changed to ''may,'' and I hope everyone who flies on Continental will remember that they do not seem to take seriously what happened on 9/11. Other airlines did not like that, but it was stuck into the bill.

Then the final issue of cabotage. Sounds exotic. It is very simple. Air China will now be able to deliver packages into the heartland of the United States, having landed in Alaska, something prohibited in existing law. We will lose jobs and security because of that. Vote no.

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

I am pleased to rise and I wanted to clarify a couple of issues that have been raised. Let me say, we all have our roles in this august body, and I am honored and privileged to have as my ranking member the gentleman from Oregon (Mr. DEFAZIO), the gentleman who just spoke. He is an incredibly hardworking, dedicated, ranking member and has contributed immensely to this product that we have before us today. But there is a question on which we have a separation, and we just heard some of the history of the air traffic control structure in our country.

Under the Clinton administration, if we go back to 1994, when I came as a freshman, the gentleman from Minnesota (Mr. OBERSTAR) was the chairman of the Subcommittee on Aviation. Under the Clinton administration, Mr. Clinton in that year, 1994, privatized. He took from FAA towers to contract towers some 24 towers. Was there an outcry? No. During the remainder of the balance of the Clinton term, President Clinton converted 116 FAA towers to contract towers. Was there an outcry? No.

In the 3 years that President Bush has been in office, how many FAA towers has he converted to private contract towers? Zero. The other side complained when we put 69 towers that were mentioned in this FAA report under the Inspector General, 69 towers based on cost and safety, primarily on safety, that these towers that are now all FAA towers would be safer, based on their evaluation, if they converted to contract towers, and cost about $900,000 less, read the report. That is what we put in there. They protested. So what did we do? We took these out.

We now have no reference to privatization, but they do not want this President to have the same right that President Clinton had for some 7.9 years. We have taken every single mention of privatization, any specific tower, out of the bill. So that is where we find ourselves now. We cannot please them no matter what we do.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume, again to correct the record.

The gentleman said there was no outcry when the Clinton administration moved to privatize air traffic control. That was an initiative that came out of the Gore ''reinvent government program.'' I was the chairman of the Subcommittee on Aviation. I took it on head-on, with the help of decent-thinking Republicans, who supported our effort to stop it dead in its tracks, and we did. And when they began to move one by one to privatize air traffic control towers, some of which were already Federal towers, I moved against

that. Every time I objected, and finally, finally, when we no longer had the majority in this body, the administration backed down and the President issued his executive order.

There are some functions government performs that can be done by the private sector, and this body has given authority to the executive branch to do that, but I submit that separating aircraft is not one of those functions that should be contracted out. There is a vast difference, a vast difference between a tower with a D-BRITE, a rudimentary means of controlling air traffic, a tower that handles 10 to 15,000 general aviation aircraft in a year in Van Nuys, California and one which has 498,000 operations, complex air space, complexity of operations and is under the control of the southern California TRACON which handles two-and-a-half million operations a year. That is the radar that supports the tower that this proposal once would have subjected to privatization. That is wrong. There is no policy behind it.

I kept telling the Clinton administration, you come up with a policy, let us have a discussion of it, let us have a debate. This is a debate I am sorry we are having here that we should have had in the conference, and we never had. I am offended on process and on substance, and as for allegations made just a moment ago by the Chair of the subcommittee, let me go back to the testimony of the Inspector General at our committee.

In addition to limitations he has already cited about the report that the gentleman has cited, and due to the low number of operational errors at both of these places, I would caution you against concluding that either group has a safer safety record than the other. It is not fair to draw that conclusion. That is the conclusion of the Inspector General.

I rest my case.

□ 1730

MOTION TO ADJOURN

Mr. OBERSTAR. Mr. Speaker, I move the House do now adjourn.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion to adjourn offered by the gentleman from Minnesota (Mr. OBERSTAR).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 59, nays 343, not voting 32, as follows:

[Roll No. 590]

YEAS—59

Alexander
Allen
Baldwin
Ballance
Brown, Corrine
Capuano
Carson (IN)
Clay
Clyburn
Conyers
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Dingell
Doggett
Evans
Fattah
Filner
Frank (MA)
Grijalva
Hastings (FL)
Honda
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Lampson
Langevin
Larsen (WA)
Lee
Lewis (GA)
McDermott
McGovern
McIntyre
Meek (FL)
Miller, George
Oberstar
Olver
Pallone
Pascrell
Pelosi
Sanders
Sandlin
Schakowsky
Slaughter
Solis
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Waters
Watson
Waxman
Woolsey

NAYS—343

Abercrombie
Ackerman
Aderholt
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Akin
Baird
Bradley (NH)
Carter
Case
Delahunt
English
Fletcher
Frost
Gephardt
Goss
Gutierrez
Harman
Hayes
Hunter
Kleczka
LaTourette
Lowey
Manzullo
McCollum
McCotter
Millender-McDonald
Miller (FL)
Miller (NC)
Pearce
Radanovich
Renzi
Sanchez, Linda T.
Smith (NJ)
Stupak
Tauzin
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1747

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2115, VISION 100–CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BEAUPREZ), one of the outstanding members of the Subcommittee on Aviation.

Mr. BEAUPREZ. Mr. Speaker, I commend the gentleman for bringing this legislation to the floor, and also for his courage and fortitude in standing up over several weeks of sometimes personal attacks. In trying to bring this legislation to the floor, the gentleman has shown remarkable composure and leadership.

As every member of the Subcommittee on Aviation knows, and I hope the Members in this Chamber appreciate, this conference report contains many provisions that will be helpful to the ailing aviation industry. Of particular interest in my district, and districts and airports all over this Nation, is a provision in this bill that sets up an airport security improvement grant program so that airports

can replace baggage conveyer systems, reconfigure terminal baggage areas, pursue projects that will enable the TSA to deploy explosive detection systems, and fund other airport security capital improvement projects.

This grant program allows the TSA to issues letters of intent, or LOIs, so that airports can pursue security projects quickly and efficiently. Denver International, my airport, recently received an LOI in the amount of $67.5 million. With this LOI, Denver International has aggressively pursued plans to install an in-line baggage screening system. These efforts will improve the safety and efficiency of the airport.

This bill also decreases the LOI local match for Denver from 25 percent to 10 percent reflecting the will of Congress that national security projects should be paid for by the Federal Government. This change in the local share will help the Denver International Airport tremendously.

Finally, with regard to the AIP authorization within this bill, Denver International also receives $5.3 million per year in AIP allotment. Reauthorizing AIP will allow the airport to address other safety and capacity needs. These are just a few of the reasons why I stand in strong support of the legislation and urge its passage.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, this is a sad day for our committee. I have been on this committee for 11 years, and my constituents always ask, how are things going in Washington? I say it is like swimming with the sharks; but today, it is a shark attack. This conference report is a shark attack on the people of this great country.

Members travel at least twice a week, sometimes four times a week. We have put a lot of money in the aviation industry. In fact, over $18 billion.

Mr. Speaker, there are a lot of good things in this bill, but this privatization of FAA is a poison pill. It is a poison pill for the traveling public. I have one question to ask: I want to know which one of the President's campaign contributors wants to run the national air traffic controller towers, is Halliburton doing the control tower work now?

The American people deserve a clean bill that does not compromise their safety and security. This bill does not do that. I want my colleagues to vote down this very dangerous bill.

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I am going to vote for this conference report, and I will get to why I am going to do it in a minute, but before I do, I want to talk about the process that has gone on.

When a bill leaves the House in a certain condition, and the certain condition in this case was the protection of the air traffic control system, and the Senate with the Lautenberg amendment does the same thing and goes a little further. When a bill goes to conference and comes back looking different, we are left on our side with the conclusion that can only come from one place.

As a Member of this body, it concerns me that we need to have, and this message is really for my leadership, we are a coequal branch of the United States Government. And if we are just going to accede to what it is that the administration wants to do, I, as a Republican, have difficulty.

I listened carefully to this debate, and the gentleman from Florida (Mr. MICA) is right, during the Clinton administration the contract tower program was used extensively by the Clinton administration, and under the Bush administration, there have been no privatizations. The executive order that President Clinton issued as he left office, countermanded by President Bush, is why we find ourselves here today.

The contract tower program, if run responsibly, does not mean the death of the aviation system in this country. But I would suggest, and again to my leadership, this is not about, and it never was about, the 69 towers. It is about the belief by Members on the other side of the aisle and by Members on this side, today it is 69 small airport towers, tomorrow it is Davis-Bacon, the next day it is the privatization and contracting out of the Federal workforce. There comes a point where enough has to be enough.

Mr. Speaker, I am going to vote for the bill. As to why I am going to vote for the bill, I was asked to get the 69 towers out of the bill, and I am not taking credit for that, but I went to my leadership with others, and this recommittal does that. I gave my word to the leadership, and I am going to keep my word and vote for the bill.

Mr. OBERSTAR. Mr. Speaker, I yield myself 10 seconds to commend the gentleman from Ohio (Mr. LATOURETTE) for his conscience-stricken statement and for his ever-conscience-driven conduct in the House.

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

Mr. PASCRELL. Mr. Speaker, I think there might be something in this legislation more onerous than the privatization caper, as referred to about a half hour ago, and that is that the FAA reauthorization bill conference report contains a provision that gives foreign airlines, including obviously Air China, virtually total access to the U.S. domestic air cargo markets through the Alaskan gateway, in contravention of the very long-standing policy accepted by both Republican and Democratic administrations.

Here is the catch: There is no reciprocal benefit for American carriers and their employees, nor is there any provision for the United States to collect one dime in taxes on the millions of dollars of revenue that these foreign airlines will earn by operating in our domestic markets, and that is a fact. There is nothing in the legislation. This is one-sided legislation. It will take our Nation's air transport industry and its employees in the wrong direction. I think it is wrong.

Now, we have heard a lot of pontificating in the last month, particularly from the other side and even from the administration, about let us make trade fair, let us have parity in our commerce with other nations. Where is the parity in this bill? This is another foreign giveaway. Let us call it for what it is.

Mr. Speaker, the other side of the aisle is good at it, and I have to give them credit. They hide out and speak out of both sides of their mouth about trying to protect American workers, and at the same time we are doing this kind of legislation; that is the onerous part of this legislation. It could be far worse and far more damaging than the privatization issue.

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, because the gentleman from New Jersey (Mr. PASCRELL) brought up the name of Alaska, I wish he understood the reasons this is in there. The gentleman talks about jobs. He may not have been to Alaska, but Alaska is in a unique position for refueling. That is something that is very important to my airport. Already, the airlines the gentleman is talking about have gone to Vancouver and solicited bids to land in Vancouver, break down their cargo and ship it to the United States. We are part of the United States.

The difference between survival of the airport in Alaska, in Anchorage, is this part of this amendment. If it was not adopted, we would lose more than 400 jobs, 400 American jobs. And yes, I can say it is not point to point. These planes will come in, the cargo will be broken down and the planes will be refueled and sent back. The shipment will then be taken by Northwest and other airlines to other parts of the United States. It will create jobs, it will not lose jobs in Alaska.

The gentleman talks about foreign. If the gentleman wants them to go to Canada, that is what will happen if Members vote against this bill. My airport will not survive. This is one of the biggest money makers for my airport, and to have someone say this is going to give jobs to foreigners is nonsense.

□ 1800

We are different. We are closer to the Orient. We are not New York or New Jersey, which is about the size, by the way, of Kodiak Island. Our survival is the Orient market. That is what we are working on. This is what this bill does.

By the way, this is not my amendment. I am defending it because my senior Senator insisted upon it in the conference. We are a conference, and this is what this product is all about. Some may not agree with it, but I am saying it is about the survival of my airport.

Just keep in mind, I hear about this, I am concerned about some of the misinformation coming from certain groups about the damage this will do to airlines in this Nation. It will not do so. It will benefit labor. It will benefit the workers in Alaska, and it will benefit my State of Alaska. That is what I am elected for.

Mr. OBERSTAR. Mr. Speaker, I yield myself 10 seconds. I respect the statement of our chairman of the full committee, but this again is an example of the discussion we could have and should have had in a real House-Senate conference.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me express my appreciation for the kind of camaraderie we have on the committee. This is out of character for us to be on the floor discussing something in these tones. However, when we do not follow the rules and do not allow people to participate, this is what we get. That is why other committees are like that. I hope we do not continue this, because we have not had this in the past.

Mr. Speaker, I rise today to express my extreme disappointment that this FAA reauthorization bill does not include language to protect the operations and certification functions performed in our air traffic control system. Recommitting this bill was absolutely necessary to fix a fatally flawed conference report that risked the safety of the flying public. Unfortunately, Republican conferees decided not to listen to the will of Congress and excluded language that would protect our Nation's air traffic control system from privatization.

There are two critical functions of the air traffic control system that keep the system safe: certification and operations. Much of the debate on this bill has centered on prohibiting privatization of the operation functions performed by air traffic controllers and employees of 69 VFR towers. Operation of the air traffic control system, however, is only one part of the air traffic control system. In order for our system to remain safe and efficient in this area where we still have a great deal of fear, there must be language included in the bill to protect the certification functions performed by FAA systems specialists.

There are approximately 6,100 FAA systems specialists and technicians who install, repair, maintain, and certify over 50,000 systems and equipment that make up the air traffic control system. The certification functions performed by the systems specialists are critical to the safety and efficiency of the air traffic control system and, therefore, must be protected from privatization.

Certification is the process that systems specialists and technicians use to ensure that the systems used to separate and control aircraft are working properly and interface correctly with the other 50,000 systems and equipment in the NAS, Only the U.S. government, through its employees, is empowered to certify the air traffic control system. As a result, only FAA personnel with sufficient knowledge of the entire NAS may perform certification.

An example of the important functions that systems specialist perform is the work they did for the Department of Defense after the terrorist attacks of September 11, 2001. In the months after September 11th, the DoD realized that they did not have radar capabilities to see or hear air traffic activity within the U.S. borders. FAA systems specialists worked with the DoD to provide additional radar surveillance as well as data and voice communication capability to the military. What's really remarkable about this is that the bulk of the work was completed in only four months. The flexibility of the systems specialist workforce, their extensive knowledge of how the entire air traffic control system works as well as their ability to respond quickly to a problem would be lost if the work is contracted out.

Safety should be the FAA's number one priority. The only way to ensure that this happens is to enact legislation that protects the most safety critical functions from privatization. This means that we must protect all of the functions relating to the control and separation of air traffic—functions performed by systems specialists and air traffic controllers.

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON), one of the distinguished members of our subcommittee.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman and chairman of our subcommittee for yielding me this time. I rise to pay tribute, first of all, to our committee chairman and for his willingness to recommit this bill and deal with the issue, part of which is being discussed today. Secondly, I want to commend the gentleman from Ohio (Mr. LATOURETTE) for his willingness to support this bill and addressing the fact that the committee, after the difficulties we had with the first report, addressed the concerns that were expressed.

I want to now express my opinion for a second. I have heard far too often statements made that directly or indirectly seemed to accuse Members of this House of quibbling with the security of the American flying, traveling public. I know that is not really intended, because this bill and this conference report is all about the safety and security of the American traveling public. I respect differences on the tower issue. I respect that. But I know our President and I know no member of our subcommittee and I know every Member of this House is committed to seeing that air travel in this country is safe, which is why the issues that are never talked about in this debate are so important for me to bring out.

The fact that we have codified and put into statute with this law the reimbursement to our airports and our airlines for the mandated security that is the responsibility to be put in, to see to it that the money is spent, the security is there. We no longer deal with situations like last year where we have emergency supplementals with billions of dollars and people arguing about who should have really paid what. We have issued deadlines for installation of security, for baggage inspection, for all the other things that we are doing. And now through this bill, we are providing the mechanisms and ensuring the framework in which that takes place.

So while I respect the differences that are debated and understand the points on both sides with regard to the towers, you should not throw the baby out with the bath water. This bill is about the safety of the American people and the flying public. This bill is about codifying that which since 9/11 we have grappled with regarding airport security and the installation of additional security. This is about the AIP. This is about the safety of the flying public. This is about an industry that is essential to the economy of the United States of America. I, like the gentleman from Ohio, will vote for this in its final passage because it is about the safety and security of the Americans and the Georgians that I represent flying safely in and out of one of the largest airports in the world, Hartsfield International.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I rise to express my opposition to the conference report on H.R. 2115, the FAA reauthorization bill. This conference report is an affront to the proper legislative procedures of this body and, worse yet, a threat to our Nation's stellar aviation safety record.

As a member of the House Committee on Transportation and Infrastructure, I know firsthand that our committee developed strong, bipartisan legislation that this House almost unanimously passed 418–8 last June. Yet today, we debate a controversial FAA reauthorization conference report that has sparked heated opposition. Why? The answer is simple. By bowing to industry pressure and Bush administration demands and by shutting Democrats out of conference deliberations, Republican leaders have crafted a report that compromises the safety and security of the flying public. In fact, this conference report is proof that the lessons of September 11 have been forgotten. Republican leaders have forgotten that on September 11, air traffic controllers safely landed 4,482 planes within 2 hours without one operation error.

This is a system to protect, not endanger. Yet this conference report does just the opposite.

By allowing for further privatization of the air traffic control system, which is really silent on it and the wording previously was ''prohibit,'' Republican leaders wish to put air safety in the hands of the lowest bidder. That model did not work for airport security, and it will not work for our air traffic control system. In writing this conference report, Republican leaders have also forgotten the September 11 lesson that flight crews are a critical line of defense in aviation security. This report drops a House-passed provision that would require TSA to issue security and antiterrorism training guidelines for our Nation's flight attendants. By making these guidelines optional, the Congress is effectively rejecting calls by flight attendants for greater security training to protect themselves, airline passengers, and the American public.

I cannot in good conscience support this conference report. I urge my colleagues to vote ''no.''

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

Let me just correct the record at this time. I have heard two Members from the minority side cite that on September 11 that some 4 to 5,000 planes that were flying in the air were brought down safely by our air traffic control system. That is correct. But, in fact, some 219 of approximately 470 towers were contract towers, are contract towers, private towers. This is the statement that was put out in a $7 million NATCA, National Air Traffic Controllers, misinformation campaign. We have a system now today, we had a system on September 11 with contract towers and with fully staffed FAA towers.

So they question the safety and security. We advocate no change. Nada. None. Zip. We have taken any mention of privatization out of this. We are only instituting the status quo, the status quo that we had on September 11.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume to again fill out the record, if I may. It is not towers that bring aircraft down. At altitude, at 29,000 feet, the en route center steps aircraft down to 15,000 feet to a point where they are 40 miles out from the airport, at which point the terminal radar control facility takes over and brings aircraft to within 3 miles, at which point the easy part is done by the controllers in the towers. That is the real story. Let us not embellish this event of September 11.

Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in opposition to this FAA reauthorization bill. While I know the gentleman from Alaska (Mr. YOUNG), the gentleman from Florida (Mr. MICA), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) worked hard on this legislation, I rise in opposition to not what they have done in their committee and in the light of day, but in opposition to what the majority party of this Congress, both Houses, has done in back rooms.

Mr. Speaker, as all of us who represent airports know, airport noise is one of the biggest complaints we hear about. It is deafening. As the Congressman for LaGuardia Airport, I represent the largest amount of Americans who are acutely affected by airplane noise. The FAA through the Airport Improvement Program helps to fund noise abatement programs from schools and religious institutions to community centers to private homes. It has let the local airport operating authority set the noise level parameters for communities to qualify.

In section 189 of this bill, the former Senate majority leader thought allowing local airport operating authorities to set their own levels was not good enough. Section 189 says that only people who live in the areas with higher than 65 decibels of aviation noise, the noise of a power lawn mower, will receive funding for noise abatement programs, leaving millions of people without the funding needed to abate their homes.

This was all done without a single vote here on the floor of the House or a single vote on the floor of the Senate. It was done in the, quote-unquote, ''conference committee.'' This is a bad bill. That is just one example. My colleagues have gone through the other issues. This is a bad piece of legislation. This is not the way to make sausage. It is not the way to make legislation, either. It should be done in the light of day and should be done in the democratic way. We should all have an opportunity to vote on these issues before it gets to this point, which is not democratic; and it is not giving us an opportunity to really have an effect on making this legislation.

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

I appreciate the statement of the gentleman from New York. This provision to which he refers is another example of egregious special interest legislation that was advocated by one airline. It was done without any consultation, without any discussion. It vitiates a signed agreement between an airline in Minnesota and the Metropolitan Airports Commission. It is wrong.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

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

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Mr. BACA. Mr. Speaker, I rise today in opposition to this conference report on H.R. 2115, which will give the President the freedom to privatize our air traffic controllers.

How does this make Americans safer? We must ask ourselves, how does this make Americans safer? In a post-9/11 world, we must make safety a priority. So I ask again, why are we doing this? Is it cheaper? The answer is no. Privatizing increases our costs. Is this a good policy? The answer is no. Privatizing has failed miserably in other countries.

Approximately 20,000 hard-working men and women of the FAA ensure the safety of more than one million passengers each day, and we should trust them to continue to do the job. This is why I say, nothing has been broken, so why do we need to fix it?

The safety and security of the American people should not be the responsibility of the low bidders. It is the core responsibility of our American Government to make sure the safety is there. We must make sure that democracy is there. We have not allowed democracy by allowing this bill to come before us, and we should make sure that we vote no on this.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. MORAN).

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

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend and leader for yielding me time.

Mr. Speaker, I also rise in opposition to this bill. Many have spoken against the provisions that privatize part of our Nation's air traffic control system. Others have objected to the failure to direct the certification and training of flight attendants. Others have condemned the process that seems to have shut out Democrats, particularly our leader, from participating in the drafting of this agreement. As much as we respect the gentleman from Minnesota (Mr. OBERSTAR), we know that he could have added a great deal so we would not have had this contentious argument.

I have one more reason to oppose it. In 1986, the Congress made an agreement with the Metropolitan Washington Airports Authority to cede operational control and financing of our airports to our regional authority. The Metropolitan Washington Region has maintained our part of the bargain. This conference report breaks that agreement by adding 20 more flights and going beyond the 1,250 mile perimeter rule. That is not right. It increases the safety concerns at National Airport.

For this and many other reasons, I oppose this conference report.

Mr. Speaker, I rise in opposition to this conference agreement.

Many here have already spoken against provisions in this bill that would allow privatilization of our nation's air traffic control system, others have objected to this agreement's failure to direct the certification and

training of flight attendants and still others have condemned a process that has shut out Democrats from participating in the drafting of this agreement.

Let me add one more reason to vote against this bill.

I object to this bill because it continues to intrude in the operations of this region's local airports.

While I appreciate the good efforts of the chairman to restore general aviation at National, to compensate businesses injured by the current shutdown, and assist hometown carrier, U.S. Airways, operate quieter, more efficient regional jets, I cannot support the heavy hand of this Congress in violating two longstanding agreements and mandating that National accommodate more flights and flights outside the current perimeter rule restrictions.

The agreement before us today continues to violate a promise this institution made to this region back in 1986.

In 1986, Senator ELIZABETH DOLE, President Reagan's Secretary of Transportation, helped broker an agreement between the federal government, the Congress, the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to cede control of National and Dulles Airports to a regional authority that would have, in the words of current law, ''full power and dominion over, and complete discretion in, operation and development of the airports.''

In return, Virginia, the District of Columbia, and Maryland agreed to accept operational control of the airports and raise the money necessary to modernize National and Dulles airports.

The Commonwealth of Virginia, the State of Maryland and the District of Columbia have upheld their part of the bargain. Congress, however, has not honored its part of the deal.

At least once every three years since this transfer took effect, Congress has tried to intervene and micro manage the operations of the two airports.

There may be a federal interest, and I recognize that both commercial airports are still owned by the federal government, but should Congress really be trying to determine what are clearly economic and business decisions on what carriers fly where?

With the bill before us today, Congress is once again telling the Metropolitan Washington Airports Authority to waive its existing rules and allow certain carriers more flights.

Mr. Speaker, these additional flights take us further down a controversial road whose final destination will make few carriers happy and cause real economic harm.

Three years ago, I spoke on the House floor opposing an FAA authorization bill that added more flights at National.

At that time I warned that breaking the 1986 deal would bring us down a dangerous path in which every FAA authorization bill would become a vehicle for further tinkering and interference by Congress.

Obviously not enough Members were sufficiently satisfied with the flights added in the last FAA reauthorization bill or we would not be back here again today with more changes.

Who is happy with the proposed changes? Not U.S. Airways, Delta or United, the Metropolitan Washington Airports Authority nor the residents of this region.

In fact, there is no solution that will satisfy everyone.

But, continue down this path of forcing more flights and there will be some real economic consequences that will ultimately undermine both the quality and quantity of air service this region is fortunate to now receive.

The point is being reached in which operational and safety constraints imposed by the type of runway and the number of gates, not slots, will limit the number of flights the airport is capable of handling.

Once this threshold is crossed, both the quality and quantity of flights will be compromised.

we risk:

(1) Losing direct air service to many smaller cities, those that can least afford a disruption from an economic development standpoint,

(2) We risk a reduction in international air service that may result in this region being bypassed in favor of other east coast airports with better transcontinental connections. (Hundreds of millions of dollars that have been invested to make Dulles an international gateway will have been imprudently invested), and

(3) We risk more delays and congestion as operational limitations and space cause delays throughout the system, something LaGuardia encountered when its slot rule was repealed.

(4) And, adding one more slot, one more flight, is one more than Washington area residents bargained for.

I know the support isn't there to rollback the 20 new slots, 8 inside the perimeter and 12 outside, in this bill.

But why pile it on with an additional provision that gives Congress yet another opportunity to tinker again with the operation of these two airports?

Why create the added burden and economic uncertainty that this bill invites by denying these two commercial airports the ability to receive any new Airport Improvement Program grants or new Passenger Facility Charges beginning in 2008?

Why single out and suspend federal assistance to just these two airports?

I thought an understanding had been worked out when Delegate NORTON offered her amendment earlier this year on the House floor that this obnoxious provision would be removed in conference.

Congress doesn't need this provision.

There is already sufficient oversight over the airports to ensure that any federal interest is protected.

We've got the FAA reauthorization bill.

In addition, there's the authority's own board of directors that must include 3 presidential appointments approved by the Senate.

In the past former Members of Congress have served on this board, and the GAO has unique statutory authority to audit the activities and transactions of the board.

Mr. Speaker, Congress, visitors to the nation's capital, businesses and local residents have all benefited from the capital improvements that have occurred at the airport since the regional authority took over control.

Let's not place $100 of millions in future development at risk.

Let the two airports continue to be treated like all other commercial airports for purposes of receiving improvement grants and new passenger facility charges.

Reject this agreement.

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

Mr. Speaker, safety is not just one issue. Safety is a multiplicity of overlying redundancies. Safety depends on the interaction of the human and the technological.

What I object to in this proceeding is the lack of process, a lack of opportunity for debate on the future of the air traffic control system. Make no mistake about it, this debate is about the future of air traffic control in America. This is about how our air traffic control system will be managed in the future and by whom. It should be done in the public interest, not in the private interest. All that stands between the traveling public and a failure at seven miles in the air or on the ground is our air traffic controller and the equipment he will or she operates. We must keep it in the public sector.

Mr. Speaker, I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. Speaker, I do sincerely believe that what is at stake here is the future integrity of the air traffic control system in the United States. There is none better in the world. I fear that in the future, fragmentation of that system, taking major control towers and putting them into the private for-profit sector, will bring pressures to bear that will ultimately cause a catastrophe.

Look at Europe. Just last year, a midair collision. We have not had a midair collision in a really long time in the United States of America.

This is not about making the system safer, it is not about making it more efficient. The Europeans, the Canadians and others admit that our traffic controllers are 75 percent more productive than their's. So it is not about making it more productive. It is not about making it safer.

The only reason that we are opening the door here, and we are blasting the door open here by removing any restriction on privatization, as was in the original bill, this White House has shown it will fight to privatize. They have already threatened to veto the bill unless we inserted the specificity of 71 towers. So they are clearly going to go ahead with privatization.

Now, they are going to go ahead, not because they think it will be safer, not because it will be more efficient. I do not even believe it will be less expensive. The other failed air traffic privatizations around the world have actually cost the taxpayers more, and they have had to be bailed out in England and in Australia.

This is a ticking time bomb that I believe one day will kill Americans, and I just cannot believe that we are going ahead in this form without the proper consultation, without a conference, but vitiating all the rules of the House, just so someone might be able to make a little bit of money on something that is run so well by the government today.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time to close the debate on the conference report on H.R. 2115.

Mr. Speaker, indeed, this legislation is important to the success of aviation in this country. This particular industry is one of the great job creators, and no nation relies on safe and independent operation of aircraft more than the United States.

I disagree on the point that has been raised here in closing. We do not change in any way the current status of contract towers. We do not mention privatization. We have taken out some 69 airports that were identified in the previous conference report.

I believe that this bill strikes many carefully proposed compromises that address the many needs of our aviation system while providing for its future. I believe that this will also be a boon to many of our communities, to restore jobs, to provide economic opportunity in an industry that has been hard hit by the effects of September 11.

So we have an opportunity to help small communities. We have an opportunity to continue a safe and cost-effective system.

Mr. Speaker, I want to thank the Members on the other side of the aisle for their cooperation. I know that there is one issue in particular that has brought us apart, but eventually it would lead to this debate and to this day. I think this has been a healthy debate, and I think that will be resolved by the vote that is to take place.

The U.S. aviation industry is the strongest in the world, and I am committed to keeping it that way. H.R. 2115 and this conference report provide stability and funding to ensure that our Nation will continue to lead. I urge all Members to put aside partisan politics and to vote to pass this conference report for H.R. 2115.

Again, I thank my colleagues and the staff for their fine work, and especially the Members of the minority.

Mr. COSTELLO. Mr. Speaker, I rise today in strong opposition to the conference report for H.R. 2115.

I am deeply disappointed that despite this Congress's actions to recommit the bill to the conference committee, we are still dealing with a flawed bill. Over three months ago, the Transportation and Infrastructure Committee passed a good bill out of committee, a bill that had my strong support.

Two times, this bill has come out of Conference Committee, and both times the resulting product has been unacceptable. This bill contains significant changes from the committee passed bill—changes that have not previously been approved by the House or the Senate. I believe it is telling that not a single Democrat in the House or the Senate signed onto the conference report either time because of these egregious changes.

The version of the bill that we are considering today removes the language that would allow the FAA to contract out the operation of air traffic control towers at 69 towers nationwide. However, this is not an improvement over the previous version of the bill. Simply striking the provision does nothing to ensure that our nation's air traffic control system will not be contracted out to the lowest bidder. In fact, this bill would make it easier to privatize the air traffic control system by not prohibiting future privatization. We know that the administration supports privatization, as demonstrated by their many outsourcing initiatives and the reclassification of air traffic control as a ''commercial activity.'' Every tower in this Nation is now at risk for privatization.

In addition, this bill fails to address concerns that were in the previous version of the bill, which include allowing China essentially open access to our cargo markets, modifications to the Essential Air Service program requiring small communities to pay a substantial sum for their air service, and changes to the flight attendant training programs that basically gut the requirements.

Mr. Speaker, this is a bad bill. I urge my colleagues to join me in voting ''no'' on this legislation.

Mr. RAHALL. Mr. Speaker, I rise today to object to the rule accompanying the Conference Report for the reauthorization of the Federal Aviation Administration. I also oppose the Conference Report, itself. The rule would allow the Republicans to get away with passing a Conference Report without ever holding public meetings to work out an acceptable compromise.

And, Mr. Speaker, passing the rule ultimately allows the Republicans to get away with defying the will of the House. They excluded the minority Party from the conference, and they wrote a brand new bill out of thin air that contradicts the bills that passed out of both chambers.

One example of this slight-of-hand relates to the Essential Air Services program, which has ensured federal funding since airline deregulation to ensure that rural communities can continue to be included in the national aviation system. In the original House bill, some Members wanted to impose a local match provision, which would have required local communities to subsidize the federal government by paying to qualify for air service. Others, like myself, pointed out that doing this would kill air travel in small communities across more than 35 states.

In my own district in West Virginia, this local match provision would have applied to Bluefield Airport, serving the Bluefield and Princeton areas. Thankfully, the House deleted the local match requirement on the floor to guarantee that rural communities continue to be included in the national aviation system.

Unfortunately, the Republicans on the Conference Committee, who apparently don't care about maintaining a truly national air system, decided to reinsert the local match provision in secret, and to subject my rural West Virginia constituents to hardship.

They also inserted other provisions in the dark of night that are not consistent with the House and Senate bills' provisions aimed at ensuring safety. The Republicans secretly made it possible for the Bush administration to privatize uniquely-skilled air traffic control jobs at 69 airport across the country. It should also be noted that 11 of the airports on the Republicans' hit list for possible privatization are included among the 50 busiest towers in the country.

Although our highly-skilled air traffic controllers guided 5,000 planes to safety after one call from the Secretary of Transportation, on September 11, 2001 while our Nation was under attack, the Republicans think we should replace many of these skilled workers with companies whose only bottom line is pure profit.

Then, because they knew the Conference Committee Democrats, like myself for instance, would object to their brand new bill, they didn't bother to properly hold meetings in accordance with the rules. Instead, we had to find out through the media that they drafted a sham Conference Report, which they all signed. As a result, this bill has gone nowhere since July.

Now, amazingly, the Republicans come to the floor after this bill has lingered for months, and they say that we exaggerate the impact of their revisions. Then, they try to assure us that they have revised the bill again to eliminate the objectionable provisions that they added. And, they say we should just take their word for it and go ahead and pass the bill today, even though we haven't had meetings to review this bill that has supposedly been revised yet again without our involvement.

This partisan hijacking of the bill to ruin rural air travel and increase profits at the expense of safety is grotesque. Didn't we learn anything at all about the importance of a reliable and safe national air travel system from September 11?

The reauthorization of this bill offers us the opportunity to improve upon our current system while addressing areas of need. We should go back to work to accomplish that goal by finalizing a bipartisan bill that reflects the shared interests of the House and the Senate, and the American people. I urge Members to vote against the Rule. This bill should be sent back to the Conference, and conference meetings to work out a good bill should be held after all.

Mr. STARK. Mr. Speaker, I rise in opposition to the FAA conference agreement. While the conference report does remove the air traffic control privatization language from the report, that action is completely inadequate. Because the Administration has been so outspoken about moving forward with its plans to privatize air traffic controllers in airports across the country, there must be a clear prohibition on any such privatization in this bill. One of the airports targeted by the Administration is in my district, the Hayward Executive Airport. I will not support a bill that fails to protect my community from the threat of privatization.

Members of both the House and the Senate voted overwhelmingly to stop the privatization of our nation's air control towers through directive language. Both chambers also voted to require the Transportation Security Administration to establish mandatory guidelines for antiterrorism training for flight attendants. These and other important issues were simply overturned by Republican Congressional leaders and the White House—without even a perfunctory meeting of the FAA Conference Committee which is supposed to be in charge of revising the legislation.

The Federal Aviation Administration declared air traffic control services a ''commercial activity'' presumably to avail air traffic safety to private market interests. This is a completely misguided approach to air traffic safety in light of the events of September 11. Congress must do all it can to ensure that the safety of air traffic remains in the skilled hands, and under the close scrutiny, of our government. It is as much a public safety concern as are police or firefighters and no one is advocating turning their jobs over to the private sector.

The United States air traffic control system handles more than half of the world's air traffic cargo, and it is the safest in the world. The FAA air traffic controllers serve as the lynchpin of this system. These dedicated federal employees ensure the safety of nearly one million passengers every day. Their professionalism and skill was tested under uncertain circumstances on September 11, 2001. FAA air traffic controllers successfully landed 5,000 planes in two hours. They accomplished a feat that no one ever thought possible, and a task that no one wishes to repeat. The magnitude of that one accomplishment is testament to a system that works beyond anyone's comprehension.

Our air traffic control system is the envy of the world. Other nations that have privatized their air traffic control systems have encountered unending difficulties and problems. Canada, Great Britain and Australia have experienced questionable safety standards, increased delays, financial bailouts from the government, and plummeting staff morale.

Privatization of air traffic control is a big mistake and this conference report does nothing to prevent the Bush Administration from making the mistake anyway. We must learn from the lessons of other nations, and give credit to a system that has performed above and beyond expectations.

I urge my colleagues to reject privatization of our nation's air traffic system and vote no on the FAA conference report.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong opposition to the FAA Conference Report now under consideration.

This bill contains billions of dollars in vital funding for America's airports and air traffic control system, which the Administration is insisting on holding hostage to a seriously flawed plan to privatize this nation's air traffic controllers.

Decisions made behind closed doors by a handful of conferees have thwarted the will of both Houses of Congress and placed the flying public in grave danger, by allowing for privatization of our air traffic control system and eliminating requirements that flight attendants receive vital anti-terrorism training.

As a representative from Long Island, New York, I have had the opportunity to meet many of the controllers who live in my district and who work at the nearby New York TRACON and New York Air Route Traffic Control Center. These dedicated public servants monitor nearly 2 million flights each year, with only two concerns in mind: the safety of passengers and the efficiency of air travel in the region.

We already know from the list of intended privatization sites misleadingly pulled from this bill that the Administration hopes to privatize one major airport on Long Island. We simply cannot begin down a road that would put profit above safety and cost-cutting above hiring the most qualified employees.

We also must not abandon flight attendants, many of whom lost their lives on September 11, bravely fighting the terrorists who took over their planes. We must do everything we can to act on the lessons learned that terrible day, and provide all flight attendants with the crucial training they need to deal with any future terrorist threats aboard their planes. It defies logic that conferees stripped language from this bill that would have prepared flight attendants to serve as a line of defense in the event of a future attack.

Mr. Speaker, the House and Senate passed fair, bipartisan FAA reauthorization bills by a combined vote of 512–8. I am deeply disappointed that Majority party conferees took the unprecedented step of ignoring the will of both chambers and all Democratic conferees.

I am left with no choice but to oppose this flawed bill, and I urge my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak out against this conference report for H.R. 2115, Flight 100—Century of Aviation-FAA Reauthorization Act. This rule waives all points of order against the conference report, including the rule that a conference must hold at least one public meeting before filing its report.

Yesterday, the Republican Leadership after nearly 5-weeks of delay finally brought the rule to recommit the seriously flawed conference report on H.R. 2115. The House voted overwhelmingly to recommit the conference report, by a vote of 407–0. The new conference did not hold any public meeting and did not give Democratic Members of the conference any opportunity for input or to offer any amendments to the conference. In fact, Democratic Members of the conference were never notified of any action by the Republican conferees until after the conference was filed.

The new report was filed less than 24 hours after it was recommitted to conference. Once again, the report was not signed by any Democratic conferees in either the House or the Senate.

The new conference did not even address 3 of the 4 most controversial issues contained in the first conference report. It made only one change regarding the air traffic control matter. The only change to the original conference was to strike out the section of the bill (section 230) that allowed for immediate privatization of 69 air traffic control towers. The Republican and the Administration will claim that striking out this section would simply reinstate current law and that it gives air traffic controllers the same status they had under the Clinton Administration. This is not the case.

Under the Clinton Administration, controllers were considered ''inherently governmental.'' In June of 2003, President Bush reversed that standing in an Executive Order and air traffic control was officially declared to be a ''commercial activity'' on February 6, 2003 by the Department of Transportation FAIR Act list. This means that virtually any airport tower in the nation can be privatized by the FAA without any Congressional action or approval. This is in spite of language that was contained in both the House and Senate passed versions of this bill which prohibited privatization of the air traffic control system.

Furthermore, the new conference report makes no changes in the so called ''cabatoge'' issue allowing foreign airlines to carry cargo between cities in Alaska and other cities in the U.S., policies that have been used both for national security and competition. Additionally, the 2nd conference still makes the mandatory requirements of the Homeland Security Act of 2002 that TSA issue security and anti-terrorism training guidelines for flight attendants discretionary (the mandatory language was in both the House and Senate bills). And the conference report does not delete the requirement for certain communities to pay a local share for essential air service. An amendment to the conference report to fix all of these concerns was offered in the Rules Committee last night but was defeated on a party line vote.

I am also troubled that a provision I wrote in the House-passed bill has been deleted from the Conference Report. Right now, American pilots between the ages of 60 and 65 are forbidden to fly commercial airliners. This is despite the fact that these pilots are forced to pass physical and skills tests every six months. The reason for this is that the FAA feels that these pilots pose a risk to the flying public. However, foreign pilots from international airlines are allowed to fly in U.S. airspace. If these pilots are unsafe, they should not be flying. If they are safe, American pilots should be afforded the same opportunities. All my provisions did was to require the FAA to do a study on whether foreign pilots over the age of 60 are unsafe. This would give Congress necessary clarification and a scientific basis for this policy. The provision passed in the House Science Committee, but was struck out in Conference. This does not make sense to me.

The aviation system in our country is far too critical to the safety and security of our nation and its people to be manipulated by irresponsible partisan politics. Members of the House and the Senate voted overwhelmingly to stop the privatization of our the nation's air control towers. Both Houses voted to require the TSA to establish mandatory guidelines for antiterrorism training for flight attendants. These and other important issues were simply overturned by the Republican Leadership in the House and the Senate and by the White House. Such actions are a dangerous precedent.

I will vote ''no'' for this conference report.

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

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

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBERSTAR

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

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBERSTAR. In its present form I am.

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

The Clerk read as follows:

Mr. Oberstar of Minnesota moves to recommit the conference report on the bill (H.R. 2115) to the committee of conference with the following instructions to the managers on the part of the House:

(1) Insist that a meeting of the conferees take place pursuant to clause 12 of Rule XXII.

(2) Insist that section 624 (relating to transfer of certain air traffic control functions prohibited) of the Senate amendment to the bill be added at the end of subtitle B of title II in the conference substitute recommended by the committee of conference and be redesignated as section 230.

(3) Disagree to section 408 (relating to EAS local participation program) of the conference substitute.

(4) Insist that in section 603 (relating to crew training) of the conference substitute, in the matter proposed to be inserted as section 44918(a)(4) of title 49, United States

Code, the phrase ''the Under Secretary may establish minimum standards'' be changed to read ''the Under Secretary shall establish minimum standards''.

(5) Disagree to section 808 (relating to United States presence in global air cargo industry) of the conference substitute.

The SPEAKER pro tempore. The motion to recommit is nondebatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of adoption of the conference report, if ordered, and the motion to suspend the rules and agree to House Resolution 409 previously postponed.

The vote was taken by electronic device, and there were—yeas 197, nays 219, not voting 18, as follows:

[Roll No. 591]

YEAS—197

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

NAYS—219

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

NOT VOTING—18

Akin
Bradley (NH)
Brown (OH)
Cannon
Case
DeMint
Fletcher
Gephardt
Gutierrez
Hunter
McCollum
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Stupak
Waxman
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1847

Mrs. CUBIN and Mr. ROGERS of Michigan changed their vote from ''yea'' to ''nay.''

Mr. LARSON of Connecticut and Mr. LANGEVIN changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 207, not voting 17, as follows:

[Roll No. 592]

AYES—211

Aderholt
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—207

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

NOT VOTING—17

Akin
Bradley (NH)
Brown (OH)
Cannon
Case
English
Fletcher
Gephardt
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Stupak
Waxman
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1857

Mr. HOUGHTON changed his vote from ''no'' to ''aye.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPUDIATING ANTI-SEMITIC SENTIMENTS EXPRESSED BY DR. MAHATHIR MOHAMAD, OUTGOING PRIME MINISTER OF MALAYSIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 409.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 409, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, answered ''present'' 1, not voting 22, as follows:

[Roll No. 593]

YEAS—411

Abercrombie
Ackerman
Aderholt
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—22

Akin
Allen
Berman
Bradley (NH)
Brown (OH)
Cannon
Case
Fattah
Fletcher
Gephardt
Gutierrez
Hinchey

McCollum	Sanchez, Linda T.	Waxman
McCotter	Slaughter	Whitfield
Miller (NC)	Stupak	Young (AK)
Pearce		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1904

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BROWN of Ohio. Mr. Speaker, had I been present, I would have voted on rollcall Nos. 591 ''aye''; 592 ''no''; 593 ''aye''.

GENERAL LEAVE

Mr. MICA. 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 conference report for H.R. 2115.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, pursuant to House Resolution 418, I call up the conference report on the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 418, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 28, 2003, at page H9898.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2691, and that I may include tabular and extraneous material.

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

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring to the House the conference agreement on H.R. 2691, the Interior and Related Agencies Appropriations Act for fiscal year 2004.

Let me take a moment to thank the members of the Interior subcommittees for their support and guidance this year. I want to especially and personally thank the ranking minority member, the gentleman from Washington (Mr. DICKS), for the extraordinary assistance that he has given in helping us to shape this bill.

This conference report balances many competing needs and stays within the 302(b) allocation for budget authority and outlays. It is fiscally responsible, providing $19.6 billion for our public lands, Indian programs, and critical science and energy research programs, and for cultural institutions like the Smithsonian Institution. It also provides $400 million as requested by the administration to repay partial funds borrowed from the program accounts to pay fire suppression. Also, another $289 million for wild fires and I will talk about that again.

You may hear that we are not doing enough for conservation programs in this bill. I disagree. Given the constraints allocated, we have provided over $1 billion for programs in the conservation spending category. But more to the point, there are a number of critically important conservation programs in this bill that have never been included in the conservation spending category, but are equally important. We provide increases of $65 million for national parks, $47 million for national wildlife refuges, $27 million for forest health, $10 million for hazardous fuel reduction. And I would like to argue that most of the funding of this bill is for conservation activities.

Some Members will argue that we need to buy a lot more Federal land. What we really need to do is a better job of taking care of the lands we have, and this bill does that by providing additional operation increases and funds for critically backlogged maintenance activities.

Firefighting needs are addressed in this bill as I mentioned before, $400 million in the President's requested amount and another $289 million above the enacted level for suppressing the wild fires. That is almost $700 million for the fire programs. We continue to provide support for the national fire plan with the investment of $2.5 billion. We support preparedness activities so that we have the people and the equipment in place to handle wild fires. We provide funding increases for hazardous fuel reduction, State fire assistance and forest health programs. And with the passage of that bill, I think we can stop many of the fires that we will have to contend with this past year.

We have provided substantial new resources to handle the Southern pine beetle and mountain pine beetle outbreaks in the West. I am proud of the balance we have achieved in these critical programs that are important to all Americans.

The bill ensures that energy research programs are appropriately funded and that we maintain a proper mix between research on improvements to existing technologies and longer-term higher risk on new technologies. We need to keep all of our options open and not fall into the trap of picking winners and losers.

When it comes to energy resources, ultimately the consumer, not the government, will determine what energy technologies will be successful in the marketplace.

The bill provides for the continued crux of critically needed schools and hospitals for American Indians and Alaskan natives. It also includes a 1-year limitation of funds for historical accounting.

The September 25, 2003, court order would require the Department of the Interior to spend an estimated $9 billion for an accounting that benefits attorneys and accountants. This subcommittee has maintained that this lawsuit continues to divert scarce resources away from critical programs that benefit Indian people and other programs in the bill. If we were to fund this court-required historical accounting, we would have to shut down one-third of the U.S. Department of the Interior. We would critically underfund education for Indians and health care for Indians. This is not worth the recommendation of the accountants and lawyers.

Finally, the bill takes care of our cultural agencies and provides the funding needed to ensure that the Smithsonian Institute maintains its responsibility for providing quality visitor services and world-renowned research. It provides increases above the enacted level for the National Gallery of Art and for the National Endowment for the Arts and the Humanities. The conference agreement for the interior and related agencies appropriations bill for fiscal year 2004 strikes an appropriate balance among competing funds needs, and I ask for support for this bill.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	820,344	828,079	834,088	847,091	850,321	844,828
Wildland fire management:						
Preparedness	275,411	282,725	302,725	282,725	277,725	275,931
Fire suppression operations	159,309	195,310	170,310	195,310	195,310	194,048
Supplemental appropriations (P.L. 108-83)	36,000	---	---	---	---	---
Borrowing repayment (emergency)	---	---	---	---	99,000	98,360
Other operations	215,433	220,690	225,690	220,690	220,690	219,264
Other appropriations (P.L. 108-7)	189,000	---	---	---	---	---
Subtotal	875,153	698,725	698,725	698,725	792,725	787,603
Central hazardous materials fund	9,913	9,978	9,978	9,978	9,978	9,914
Construction	11,898	10,976	10,976	12,476	13,976	13,886
Land acquisition	33,233	23,686	14,000	25,600	18,600	18,480
Oregon and California grant lands	104,947	106,672	106,672	106,672	106,672	105,983
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000	10,000
Service charges, deposits, & forfeitures (indefinite)	7,900	20,490	20,490	18,657	18,657	18,536
Offsetting fee collections	-7,900	-20,490	-20,490	-18,657	-18,657	-18,536
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	12,405	12,405	12,405
Total, Bureau of Land Management	1,877,893	1,700,521	1,696,844	1,722,947	1,814,677	1,803,099
United States Fish and Wildlife Service						
Resource management	911,464	941,526	959,901	942,244	963,352	957,129
Supplemental appropriations (P.L. 108-83)	5,000	---	---	---	---	---
Construction	54,073	35,393	52,718	53,285	60,554	60,163
Land acquisition	72,893	40,737	23,058	64,689	43,628	43,346
Landowner incentive program	39,740	40,000	40,000	40,000	30,000	29,806
Rescission	-40,000	---	---	---	---	---
Subtotal	-260	40,000	40,000	40,000	30,000	29,806
Private stewardship grants	9,935	10,000	10,000	10,000	7,500	7,452
Rescission	-10,000	---	---	---	---	---
Subtotal	-65	10,000	10,000	10,000	7,500	7,452
Cooperative endangered species conservation fund	80,473	86,614	86,614	86,614	82,614	82,080
National wildlife refuge fund	14,320	14,414	14,414	14,414	14,414	14,321
North American wetlands conservation fund	38,309	49,560	24,560	42,982	38,000	37,755
Neotropical migratory birds conservation fund	2,981	---	5,000	3,000	4,000	3,974
Multinational species conservation fund	4,768	7,000	5,000	6,000	5,600	5,564
State wildlife grants	64,577	59,983	75,000	75,000	70,000	69,548
Total, United States Fish and Wildlife Service	1,248,533	1,285,227	1,296,265	1,338,228	1,319,662	1,311,138
Appropriations	(1,298,533)	(1,285,227)	(1,296,265)	(1,338,228)	(1,319,662)	(1,311,138)
Rescission	(-50,000)	---	---	---	---	---
National Park Service						
Operation of the national park system	1,564,331	1,631,882	1,630,882	1,636,299	1,629,641	1,619,114
United States Park Police	77,921	78,859	78,859	78,349	78,859	78,350
National recreation and preservation	61,268	47,936	54,924	60,154	62,544	62,140
Urban park and recreation fund	298	305	305	305	305	303
Historic preservation fund	68,552	67,000	71,000	75,750	74,500	74,019
Construction	325,712	327,257	303,199	342,131	333,995	331,837
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000	-30,000
Land acquisition and state assistance	171,348	238,634	131,154	158,473	142,350	141,430
Total, National Park Service (net)	2,239,430	2,361,873	2,240,323	2,321,461	2,292,194	2,277,193
Appropriations	(2,269,430)	(2,391,873)	(2,270,323)	(2,351,461)	(2,322,194)	(2,307,193)
Rescission	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)
United States Geological Survey						
Surveys, investigations, and research	919,272	895,505	935,660	928,864	949,686	943,551
Minerals Management Service						
Royalty and offshore minerals management	264,477	264,446	264,446	266,246	265,546	263,831
Use of receipts	-100,230	-100,230	-100,230	-100,230	-100,230	-100,230
Oil spill research	6,065	7,105	7,105	7,105	7,105	7,059
Total, Minerals Management Service	170,312	171,321	171,321	173,121	172,421	170,660

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	104,408	106,424	106,424	106,424	106,424	105,737
Receipts from performance bond forfeitures (indefinite)	273	275	275	275	275	273
Subtotal	104,681	106,699	106,699	106,699	106,699	106,010
Abandoned mine reclamation fund (definite, trust fund)	190,498	174,469	194,469	190,893	192,969	191,722
Total, Office of Surface Mining Reclamation and Enforcement	295,179	281,168	301,168	297,592	299,668	297,732
Bureau of Indian Affairs						
Operation of Indian programs	1,845,246	1,889,735	1,902,106	1,912,178	1,916,317	1,903,938
Construction	345,988	345,154	345,154	351,154	351,154	348,886
Indian land and water claim settlements and miscellaneous payments to Indians	60,552	51,375	55,583	50,583	55,583	55,224
Indian guaranteed loan program account	5,457	6,497	6,497	6,497	6,497	6,455
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	---	---	---
Total, Bureau of Indian Affairs	2,257,243	2,292,761	2,309,340	2,320,412	2,329,551	2,314,503
Departmental Offices						
Insular Affairs:						
Assistance to Territories	48,183	43,623	46,623	43,623	48,623	48,309
Northern Marianas	27,720	27,720	27,720	27,720	27,720	27,720
Subtotal	75,903	71,343	74,343	71,343	76,343	76,029
Compact of Free Association	8,926	4,125	4,354	4,434	4,434	4,405
Mandatory payments	12,000	12,000	12,000	12,000	2,000	2,000
Subtotal	20,926	16,125	16,354	16,434	6,434	6,405
Total, Insular Affairs	96,829	87,468	90,697	87,777	82,777	82,434
Departmental management	71,957	97,140	76,027	77,033	77,533	77,032
Working capital fund (cancellation)	---	---	-20,000	-11,700	-20,000	-20,000
Financial management system migration project	---	---	---	11,700	11,700	11,624
Office of the Solicitor	47,462	50,374	50,374	50,179	50,374	50,049
Office of Inspector General	36,003	39,049	39,049	37,474	38,749	38,499
Office of Special Trustee for American Indians						
Federal trust programs	140,359	274,641	219,641	219,641	189,641	188,416
Indian land consolidation	7,928	20,980	20,980	22,980	21,980	21,838
Total, Office of Special Trustee for American Indians	148,287	295,621	240,621	242,621	211,621	210,254
Natural resource damage assessment fund	5,501	5,633	5,633	5,633	5,633	5,597
Payments in lieu of taxes	218,570	200,000	225,000	230,000	227,500	226,030
Total, Departmental Offices	624,609	775,285	707,401	730,717	685,887	681,519
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	9,632,471	9,763,661	9,658,322	9,833,342	9,863,746	9,799,395
Appropriations	(9,712,471)	(9,793,661)	(9,688,322)	(9,863,342)	(9,794,746)	(9,731,035)
Emergency appropriations	---	---	---	---	(99,000)	(98,360)
Rescissions	(-80,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	---	---	---
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	250,049	252,170	267,230	266,180	269,710	267,968
State and private forestry	284,712	315,823	290,758	295,349	308,140	306,149
National forest system	1,353,444	1,369,573	1,394,792	1,370,731	1,382,916	1,373,982

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
Wildland fire management:						
Preparedness	677,996	609,747	698,000	700,000	680,000	675,607
Fire suppression operations	351,964	604,580	520,000	514,327	604,580	600,674
Supplemental appropriations (P.L. 108-83)	283,000	---	---	---	---	---
Borrowing repayment (emergency)	---	---	---	---	301,000	299,056
Other operations	341,008	327,448	406,632	328,745	358,632	356,315
Other appropriations (P.L. 108-7)	636,000	---	---	---	---	---
Subtotal	2,289,968	1,541,775	1,624,632	1,543,072	1,944,212	1,931,652
Capital improvement and maintenance	548,450	524,571	560,473	532,406	562,154	558,522
Land acquisition	132,945	44,130	29,288	76,440	67,191	66,757
Acquisition of lands for national forests, special acts	1,062	1,069	1,069	1,069	1,069	1,062
Acquisition of lands to complete land exchanges (indefinite)	232	234	234	234	234	232
Range betterment fund (indefinite)	3,380	3,000	3,000	3,000	3,000	2,981
Gifts, donations and bequests for forest and rangeland research	91	92	92	92	92	91
Management of national forest lands for subsistence uses	5,506	5,535	5,535	5,535	5,535	5,499
Total, Forest Service	4,869,839	4,057,972	4,177,103	4,094,108	4,544,253	4,514,895
DEPARTMENT OF ENERGY						
Clean coal technology:						
Deferral	-87,000	---	-86,000	-97,000	-97,000	-97,000
Rescission	---	---	---	---	-88,000	-88,000
Fossil energy research and development	620,837	514,305	609,290	593,514	681,163	676,763
SPR petroleum account (by transfer)	---	(5,000)	---	---	---	---
Naval petroleum and oil shale reserves	17,715	16,500	20,500	17,947	18,219	18,101
Elk Hills School lands fund	---	36,000	---	---	---	---
Advance appropriations, FY 2005	36,000	---	36,000	36,000	36,000	36,000
Energy conservation	891,769	875,793	879,487	861,645	888,937	883,194
Economic regulation	1,477	1,047	1,047	1,047	1,047	1,040
Strategic petroleum reserve	171,732	175,081	175,081	173,081	173,081	171,963
SPR petroleum account	6,954	---	---	---	---	---
Rescission	-5,000	---	---	---	---	---
(Transfer out)	---	(-5,000)	---	---	---	---
Subtotal	1,954	---	---	---	---	---
Northeast home heating oil reserve	5,961	5,000	5,000	5,000	5,000	4,968
Energy Information Administration	80,087	80,111	82,111	80,111	82,111	81,581
Total, Department of Energy:						
New budget (obligational) authority (net)	1,740,532	1,703,837	1,722,516	1,671,345	1,700,558	1,688,610
Appropriations	(1,796,532)	(1,703,837)	(1,772,516)	(1,732,345)	(1,849,558)	(1,837,610)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	(36,000)
Rescissions	(-5,000)	---	---	---	(-88,000)	(-88,000)
Deferral	(-87,000)	---	(-86,000)	(-97,000)	(-97,000)	(-97,000)
(Transfer out)	---	(-5,000)	---	---	---	---
(By transfer)	---	(5,000)	---	---	---	---
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	2,475,916	2,502,393	2,556,082	2,546,524	2,561,932	2,545,382
Indian health facilities	373,745	387,269	392,560	391,188	396,232	393,672
Total, Indian Health Service	2,849,661	2,889,662	2,948,642	2,937,712	2,958,164	2,939,054
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	14,397	13,532	13,532	13,532	13,532	13,445
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	5,454	5,250	5,250	6,250	6,250	6,210
Smithsonian Institution						
Salaries and expenses	460,196	476,553	489,748	487,989	494,748	491,552
Rescission	-14,100	---	---	---	---	---
Subtotal	446,096	476,553	489,748	487,989	494,748	491,552

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
Repair, restoration and alteration of facilities	82,883	---	---	---	---	---
Construction	15,896	---	---	---	---	---
Facilities capital	---	89,970	93,970	89,970	108,970	108,266
Total, Smithsonian Institution	544,875	566,523	583,718	577,959	603,718	599,818
National Gallery of Art						
Salaries and expenses	76,717	88,849	88,849	85,650	87,849	87,281
Repair, restoration and renovation of buildings	16,125	11,600	11,600	11,600	11,600	11,525
Total, National Gallery of Art	92,842	100,449	100,449	97,250	99,449	98,806
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	16,204	16,560	16,560	16,560	16,560	16,453
Construction	17,486	16,000	16,000	16,000	16,000	15,897
Total, John F. Kennedy Center for the Performing Arts	33,690	32,560	32,560	32,560	32,560	32,350
Woodrow Wilson International Center for Scholars						
Salaries and expenses	8,433	8,604	8,604	8,604	8,604	8,548
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration 1/	115,732	117,480	127,480	117,480	122,480	121,689
National Endowment for the Humanities						
Grants and administration	108,919	135,878	125,878	125,878	120,878	120,097
Matching grants	16,017	16,122	16,122	16,122	16,122	16,018
Total, National Endowment for the Humanities	124,936	152,000	142,000	142,000	137,000	136,115
Total, National Foundation on the Arts and the Humanities	240,668	269,480	269,480	259,480	259,480	257,804
Commission of Fine Arts						
Salaries and expenses	1,216	1,422	1,422	1,422	1,422	1,413
National Capital Arts and Cultural Affairs						
Grants	6,954	5,000	7,000	6,000	7,000	6,955
Advisory Council on Historic Preservation						
Salaries and expenses	3,643	4,100	4,100	4,000	4,000	3,974
National Capital Planning Commission						
Salaries and expenses	7,206	8,230	7,730	8,030	7,730	7,680
United States Holocaust Memorial Museum						
Holocaust Memorial Museum	38,412	39,997	39,997	39,997	39,997	39,739
Presidio Trust						
Presidio trust fund	21,188	20,700	20,700	20,700	20,700	20,566
Total, title II, related agencies:						
New budget (obligational) authority (net)	10,479,010	9,727,318	9,942,803	9,778,949	10,307,417	10,239,867
Appropriations	(10,549,110)	(9,727,318)	(9,992,803)	(9,839,949)	(10,155,417)	(10,089,811)
Emergency appropriations	---	---	---	---	(301,000)	(299,056)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	(36,000)
Rescissions	(-19,100)	---	---	---	(-88,000)	(-88,000)
Deferral	(-87,000)	---	(-86,000)	(-97,000)	(-97,000)	(-97,000)
(Transfer out)	---	(-5,000)	---	---	---	---
(By transfer)	---	(5,000)	---	---	---	---

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
TITLE IV - WILDLAND FIRE SUPPLEMENTAL						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Wildland fire management (contingent emergency appropriation)	---	99,000	---	75,000	---	---
DEPARTMENT OF AGRICULTURE						
Forest Service						
Wildland fire management (contingent emergency appropriation)	---	301,000	---	325,000	---	---
Total, title IV, Wildland Fire Supplemental:						
New budget (obligational) authority	---	400,000	---	400,000	---	---
Grand total:						
New budget (obligational) authority (net)	20,111,481	19,890,979	19,601,125	20,012,291	20,171,163	20,039,262
Appropriations	(20,261,581)	(19,520,979)	(19,681,125)	(19,703,291)	(19,950,163)	(19,820,846)
Emergency appropriations	---	---	---	---	(400,000)	(397,416)
Contingent emergency appropriations	---	(400,000)	---	(400,000)	---	---
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	(36,000)
Rescissions	(-99,100)	(-30,000)	(-30,000)	(-30,000)	(-118,000)	(-118,000)
Deferral	(-87,000)	---	(-86,000)	(-97,000)	(-97,000)	(-97,000)
(Transfer out)	---	(-5,000)	---	---	---	---
(By transfer)	---	(5,000)	---	---	---	---
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	---	---	---

1/ Challenge America Arts Fund was requested by the President as a separate account.

Mr. DICKS. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DICKS. Mr. Speaker, I want to commend the chairman and his staff. We had a very cooperative working relationship on this conference committee. I am pleased that we have very substantial funding in this bill for firefighting. I see my colleague, the gentleman from California (Mr. LEWIS), whose district has been ravaged by these forest fires recently; and I know he has been working hard to make sure that the forest service and the BLM have adequate resources to deal with these issues.

I want to also mention that we had a nice vote here on the House floor to increase funding for the National Endowment for the Arts and Humanities. Both of those increased this year, $6.7 million for the National Endowment for the Arts; and I want to thank the chairman for his efforts on that in our conference committee.

We have had questions on privatization studies, as we have been debating all afternoon. I think the provision that we worked out in this bill is a good one and will protect government workers.

As was mentioned by the chairman, we had a very low figure in the House bill for lands and water conservation for acquisition of Federal lands for our Federal agencies. That number came up in conference committee. I, of course, with the gentleman from Wisconsin (Mr. OBEY), we were two of the authors, along with the gentleman from Ohio (Mr. REGULA) of the conservation spending amendment, we are disappointed that we have not been able to keep that funding level where it should have been under the agreement that was reached in 2000. But one of our problems is with the budget resolution; our committee has gotten a very low allocation; and the strategy of the majority has been to try to take care of the Forest Service, the Park Service the Fish and Wildlife Service, the major agencies and that is understandable, though I regret that we cannot do more on the Conservation Trust Fund.

□ 1915

So I think all in all this is a good bill. We are going to have a little debate here on other matters.

Mr. Speaker, I yield 12 minutes to the gentleman from West Virginia (Mr. RAHALL), and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

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

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

Mr. Speaker, the Interior appropriations conference report contains language which represents nothing less than a gag order on some 500,000 American Indians who have waited over 100 years for an accounting of their trust funds accounts by the Federal Government.

On two occasions, we have fought similar provisions. Last year, I offered an amendment on the House floor to strip language with a similar intent from the Interior appropriations bill and it prevailed overwhelmingly. This year, our chairman, the gentleman from California (Mr. POMBO) took the same action and he was also successful.

Yet this language keeps rising from the dead in this conference report. In effect, it would destroy a Federal court's order to the Interior Department to fully account for amounts derived from royalties and other receipts from lands in Indian country. Going even further, this provision appears to shield officials of the Interior Department from judicial actions requiring compliance, such as contempt of court citations.

This is, simply put, appalling. It is an affront to the American system of government, especially our judiciary system, and it undermines the long-standing trust responsibility we have for Indian Nations and individuals. It is, in my view, unconstitutional and will most assuredly cause more litigation and more mistrust of Congress throughout Indian country.

The Committee on Resources is in the middle of hearings on a settlement process of the Cobell litigation, and this sneak attack only makes it harder for us to conduct our business with the trust of those involved.

How long will it take for the Interior Department to quit with the gimmicks and sleight of hand and legislative riders that are snuck into appropriation bills without any consultation with Indian tribes or representatives of the individual account holders or even the chairman of the appropriate committee? How long will it take for the Interior Department to step up to the plate and accept responsibility and act responsibly in fulfilling its commitment, statutory and moral commitment I might add, to these aggrieved parties? Apparently, we should not hold our breath waiting for that to happen.

I urge a vote for the motion to recommit so that this matter can be addressed, and that will be offered by the gentleman from New York (Mr. HINCHEY), and pending that, I urge defeat of the conference report.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

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

Mr. REGULA. Mr. Speaker, I just want to express my strong support for the appropriations conference report. I think the committee's done a great job.

They have dealt with backlog maintenance which is extremely important in terms of maintaining our parks and giving the public the quality experience they expect.

I was also pleased to see they extended the fee program. We are working to pass permanent legislation authorizing the direct fee program, but I would point out that this program has produced over $1 billion in the past years. It has gone into improving the quality of the visitor experience, and the money has stayed largely in the park that has produced it. I believe the public, generally, has been very supportive because they recognize that they are the beneficiaries of the small fees for using the public lands.

Also, I was pleased to see that the Committee restored cuts in the USGS budget, restored the cuts made in the President's budget. This is an extremely important agency because it allows us to understand the science of the earth and to better manage the resources of our programs that are their responsibility.

Everglades, again, this bill continues our strong support for the restoration of the Everglades, provides $68 million toward the historic initiative, and it does have the assurance from the State of Florida that it will meet its obligations.

Energy programs, extremely important to our Nation's economy. We are a Nation of large consumers of energy, and this is essential to the quality of life that we enjoy. I am particularly interested in developing programs to develop vehicles that will use natural gas. I think this is one of the ways to save our petroleum reserves and make us less dependent on imports. It is something that we are moving toward. A lot of buses, if my colleagues notice, around the city are powered by natural gas. The technology is clearly workable. It is a matter of getting infrastructure, and I would hope that the committee that does the reform of the transportation bill will recognize that there should be some funds to develop infrastructure for the fueling of natural gas vehicles.

On balance this is a very good bill, given the limited resources available.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking Democratic member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I think this bill is a mixed bag. There is much in it to commend it, and I especially want to express my appreciation to the gentleman from North Carolina (Mr. TAYLOR) for the way that he has fairly involved the majority and minority in the fashioning of this bill, and also for the fact that he has treated Members with great fairness in my judgment.

There are two problems that I see with the bill that I find troublesome. First, there are a number of what I consider to be antienvironmental riders involving Alaska and other areas. I would say, frankly, that these are not the worst antienvironmental riders I

have seen in an Interior bill, but I guess that is damning, by faint praise, from my perspective.

I think the basic problem is that the bill falls $447 million short of measuring up to the agreement that this committee signed on to 3 years ago. At that time, a majority of the House had signed on to what was known as the CARA bill which would have created land acquisition programs and land conservation programs as an entitlement. Those of us on the Committee on Appropriations thought institutionally that was the wrong thing to do, and so we tried to work out an alternative. And we did. That alternative said that funds for those programs would be first in line in this bill for the next 6 years, and we spelled out a specific funding schedule that was supposed to be met over that time period.

Unfortunately, the committee has now, in essence, walked away from that agreement. At the time that we entered into that agreement, because I was one of the parties to it, I pledged that if the committee at any time walked away from that agreement that I would vote against any legislation that was at variance with that agreement. And so I feel constrained to have to vote against the bill today. I am sorry about that, but I believe that we are making a long-term mistake, institutionally, by not living up to that agreement.

I recognize the committee is short of resources. I think that the House should have corrected that by making more resources available so we would have not been in this jackpot. Nonetheless we are, and so that is why I, despite many of the good things in the bill, feel constrained to vote against it when the rollcall is called.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding me this time.

The gentleman from Washington (Mr. DICKS), the distinguished ranking member, has referred to the fact that I am facing a rather tremendous challenge in California with the devastation that is impacting my District directly. In talking early this morning with one of my very dear friends that has great expertise in this arena of professional work, it was from him that I first heard the reality that there are two kinds of money that involve fire money. When we are talking about protecting the forest and trying to get the dollars that are necessary to clear the brushes, make sure we do not have too many trees go through, et cetera, et cetera, that kind of money is very, very difficult to come by, and then suddenly we have a disaster, a fire, and a green light goes on. The difference is red money, green money. A green light goes on, and whatever is available or required suddenly comes forth.

The deal with the challenges in my forest in recent years was we worked very hard to try to get some money to lay the foundation for a better management of the forests. Just in the last couple of years, we have finally gotten as much as $30 million. This evening, later, we will be considering the supplemental. After the fires had begun in the West, and within that package, there is a $500 million addition to the process that will help us deal with these problems in the West now, after the fire occurred.

So I have great empathy for the challenges of the people on this committee who struggle to get adequate dollars up front to make sure we are managing our forests well, and it takes the kind of challenge we are facing at this moment to really bring the point home.

I would have my colleagues know that I am very sensitive about my following remarks, and I would have the Chair be very careful with me, for it is a very unusual thing for me to do. Each of us has two U.S. Senators in each of our States. And in my case, there are two U.S. Senators and they are speaking about this general subject area, and I find great confusion here. I am going to be very careful as I refer to the other body and even Members in the other body to only use quotations from those individuals, but it makes it a very significant point as it relates to this bill.

So in an attempt to do that, I would speak of one of my Senators first. The gentlewoman speaking on the Senate floor about the healthy forest legislation currently under consideration has said, ''We have an open invitation to destroy our forests without getting anything back for it. There are no limits on old growth forest logging. Timber companies will pick the trees they want with no veto from the forest service and a complete change from what we have had before.''

My other colleague, another Senator from California, has been heard to say about this same proposal, speaking on the Senate floor and saying, ''This legislation is not a logging bill, as some would typify it, I think, falsely. This legislation would allow the brush to be cleared out, and it would also provide the first statutory protection for old growth stands and large trees ever in the history of this Nation. I want to be very clear. This is pro-environment legislation, and it seeks to reverse some of the damage we have done to our forests and restore their healthy condition.''

Two contrasting points of view that are difficult for me to understand from two Senators from the same State, but they make the point that unless we are able to recognize that there are very serious challenges here and recognize that this bill attempts to begin to deal with some of those challenges, we will never overcome the kind of tragedy that we are now experiencing in the West.

There are some 18 people who have died in southern California. Over 2,600 homes have been burned. Three-quarters of a million acres have been burned. At this very moment in regions in my District, literally thousands of families are trying to figure out what to do with the rest of their life because I think we have not in the past been able to give the kind of broadly-based support that we need to give to this subcommittee.

I think the report we have before us tonight is a reflection of very fine work between the ranking member and the chairman of our subcommittee. I very much appreciate their effort, but I want them to know from this Member's perspective, tonight's work is just another down payment. We will be making a down payment as it relates to the supplemental later. Indeed this down payment is very, very significant, and I want my colleagues to know that I appreciate the work they have done.

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

I wanted to say something to the distinguished chairman of the Subcommittee on Defense. The gentleman served as a chairman of the Subcommittee on VA, HUD and Independent Agencies, and FEMA was under my colleague's jurisdiction. When FEMA has an expenditure it gets reimbursed.

□ 1930

In our situation, with the Forest Service and the BLM, they take money from all of the accounts of the agency, go spend it fighting the fires, and then we do not reimburse it completely. It is not automatic. It has to be appropriated, and we do not do it as completely as we should. I think the FEMA example is a better way to go.

Mr. LEWIS of California. If the gentleman will continue to yield, I would like to respond that in the recent reorganization, we shifted FEMA from VA–HUD to the Subcommittee on Homeland Security. So there has been that change. And we have appropriated additional money there because in the middle of last year FEMA was running out of money. They were at least talking about the shortage. Suddenly we are going to add some money to that pool that they can draw from, and certainly that is a reflection of the challenges throughout the West.

Colorado, just today, has another new problem. But before another 6 months goes by, even FEMA is going to be stretched to the wall again, and that is why what the gentleman did last night was very important, and I appreciate my colleague's support.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a very valued member of the Committee on Resources and one of the strongest fighters for Native Americans in this body.

Mr. KILDEE. Mr. Speaker, I rise in strong support of the motion that will be made by the gentleman from New York (Mr. HINCHEY) to recommit, because of the provision that keeps the Department of the Interior from performing its legal responsibility and

further delays justice to a half million account holders who have been waiting for an accounting of the individual Indian trust for more than 100 years.

This so-called time-out provision is objectionable because it would require that the 1994 American Indian Trust Management Reform Act not be interpreted to require the Department of the Interior to conduct a full historical accounting. This is a way to avoid an order by a Federal judge in the Cobell v. Norton case, who just last month ordered the Department of the Interior to perform a complete accounting of the individual Indian trust.

This provision provides zero incentive for the Department of the Interior to mediate or negotiate a settlement of the Cobell case; and it sends a terrible message to the Indians that when they finally get their day in court, Congress will pull the rug out from under them.

Mr. Speaker, just last year this House overwhelmingly voted to strike a similar provision from the 2003 interior appropriation bill. Furthermore, Mr. Speaker, this provision violates the House rule against legislating on appropriation bills. It also violates the House scope rule because it was not included in either the House or the Senate fiscal year 2004 interior appropriation bill.

The authorizing committee has started an important dialogue about the options to settle the Cobell case. It is critical that the committee of jurisdiction, the Committee on Resources, be permitted to continue its work without interruption. I urge my colleagues to support the motion to recommit; and if that fails, to vote against the conference report.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I first want to commend the chairman and the staff on both sides for working on what I think is a good bill and one that I think meets the needs of firefighting, an issue that has not always been treated appropriately.

I guess what a lot of people do not realize is that when we have these fires and do not fund them, the money is taken from all the other accounts. Now, think of running your business and the money for the new building you are halfway through building, money for other forest projects you are on, is suddenly snatched away from you and you just have to stop until the money comes back when it is restored. I do not think anybody realizes how we have had the bureaus managing our land working with these forest issues that have been hitting us year after year after year. So I am pleased that there has been a major effort this year, $3.2 billion, in different ways; some repayment of funds used, but money to prevent fires, money to fight fires, and money to replenish accounts.

I am also pleased to see some progress on PILT. But I want to challenge the body. Payment in lieu of taxes has been an undervalued account here. When we take millions of acres, we own a third of the country and we only spent $227 million. It is still a pittance nationwide for our payment of taxes. Because when we take all of this acreage out of the economy, it does not pay taxes. But those people living in those regions have to have roads and schools and services, and we need to continue to improve there.

I was pleased that we had a $61 million increase for national parks, $24 million for the National Wildlife Refuge, $30 million for geological survey, $29 million for the national forests, and $6 million for weatherization.

And I was really pleased to see that that fossil energy research was increased by $60 million. Now, there has been a lot of money here, not wanting to put money into fossil research, because we all want to use renewables. I want to use renewables. But the renewables have not taken the place of fossil fuels.

One final statement I would like to make. When we add up the energy used in the world today, geothermal, wind and solar are .56 of 1 percent. My colleagues, we have to have fossil fuel research.

Mr. RAHALL. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), who is cochair of the Native American Caucus.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from West Virginia for yielding me this time. At the outset, let me say my affection and admiration for my colleague from North Carolina, the chairman of this Subcommittee on Interior of the Committee on Appropriations, knows no bounds. There is much to praise in this bill; and yet as this legislation came together in conference, an indignity has been thrust upon this body and the legislative branch of government.

What we witness tonight, my colleagues, is the triumph of the unelected, where legislative staffers, along with staffers from the executive branch, presume to know more than the duly elected officials of this body. And so in a closed conference, in 15 minutes' time, a provision is added to this bill which passed neither the House nor the other body and is thrust upon us at the last nanoseconds of the 11th hour in a cynical attempt to say, Come on, we dare you. There is needed firefighting money in here. We dare you to vote against it.

Mr. Speaker, there may be some who interpret this as a turf battle. That would be a serious mistake. This is not a turf battle. This cuts to the core of our legislative branch and our system of coequal and separate branches of government.

We cannot allow the First Americans to remain the Forgotten Americans. This House has taken action time and again to reaffirm the rights of Native Americans on the trust fund accounts. I will grant every Member of this body it is a difficult issue. But, Mr. Speaker, the fact remains those of us on the Committee on Resources that have the jurisdiction, many of us will meet in my home State of Arizona Monday as I will chair a field hearing on this very topic. And now what we are seeing happen, if passage of this legislation takes place tonight, it renders those hearings a moot point. It silences the First Americans. It assures they remain the Forgotten Americans.

Vote ''no'' on this bill. It is the wrong thing to do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman's time has expired.

If we are to keep on time, the Chair requests that Members stay within their allotted times.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I urge my colleagues to adopt this conference report on the interior appropriation bill. It is a reasonable and responsible measure to meet the natural resources, recreational, energy, and cultural needs of our citizens.

The gentleman from North Carolina (Mr. TAYLOR), chairman of this subcommittee, has done an excellent job in working with the Senate to provide a balanced conference report that sets the right priorities, is fiscally responsible, and reflects the values of the majority in the House. One of these priorities, of course, is more money and resources to combat and control wildfires. The bill includes $2.5 billion for the national fire plan, as well as an additional $400 million to repay wildfire suppression expenses from last year.

In addition to providing these historic levels for firefighting, the bill recognizes that we must do more than fight fires once they have started. It takes an integrated fire plan approach which funds wildfire suppression and preparedness, hazardous fuels reduction, and forest health and rehabilitation activities.

I am very pleased that it includes money for new forest pest management in the initiatives, including funds for the wooly hemlock adelgids in the East and the Southern pine beetle and Western mountain bark beetles.

I think we need to address the Indian issue. No one wants, more than the members of this committee, to address this issue. But it does not make any common sense to spend between $9 billion and $12 billion over a 3-year period without a single dime going to the Indians. This gives us a cooling-off period that we can get this thing done, because if we spend $9 billion to $12 billion for an accounting system that gets us no result, there will not be money for wildland fire funding, Indian education and health care, national parks, PILT, and so on.

This bill should be passed. I commend Chairman TAYLOR and the ranking minority member, the gentleman from Washington (Mr. DICKS), for the outstanding job they did under tight budget constraints in meeting the stewardship responsibilities of the Congress. I urge adoption of the conference report.

Mr. RAHALL. Mr. Speaker, I am happy to yield 1 minute to the gentleman from New Jersey (Mr. PALLONE), another valued member of our Committee on Resources and truly a strong fighter for Native Americans in this body.

Mr. DICKS. Mr. Speaker, I yield the gentleman from New Jersey (Mr. PALLONE) 30 seconds.

Mr. PALLONE. Mr. Speaker, for centuries, American Indians were forced to give up their ancestral lands by this country's early settlers. It was one of the most shameful episodes in American history.

The U.S. Government subsequently placed the Indian lands in trust. But the Department of the Interior has not met its trust responsibility and American Indians were forced to sue in court to protect their rights. Now, the court has made a decision in favor of the American Indians, and this conference report would essentially delay or reverse that court's decision.

I think it is wrong for this Congress to deny justice to over 500,000 of America's first citizens. Mr. Speaker, instead, we should reaffirm our commitment to Native Americans. That process begins here and now with this vote. By voting to recommit the interior appropriation bill, the antitrust reform language has a chance to be removed from the bill and a proper solution can be reached involving the Indian tribes.

Keep in mind, the tribes were not consulted in this process. This is something that is coming from the Department of the Interior to reverse a court decision. There is no input from the Indian nations.

Mr. Speaker, justice delayed is justice denied. Let us begin to rebuild the trust relationship with American Indians so that we can put this ugly stain on American history behind us. We cannot do that by unilaterally doing this in the interior appropriation bill conference report. The only way it can be done is through the hearings that the Committee on Resources is now having. They are having them around the country, and they are allowing the Indian tribes to be involved in whatever solution we come up with.

Now, I know that the authors here are well intentioned with this provision, but the bottom line is it delays or reverses the court's decision. What kind of signal does that send to Indian country? The wrong decision. Vote to recommit. And then if it does not pass, vote to turn this bill down. Vote against the bill.

□ 1945

Mr. TAYLOR of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, I rise with reluctance to oppose this bill. I have not opposed an appropriations bill for many years. I appreciate the difficulty the subcommittee chairman and the gentleman from Florida have with the Senate, with the budget, and with all of the demands from Members, but I stand with the chairman of the Committee on Resources. I believe the administration committed an egregious process, a mistake, in going around the authorizing committee at the last minute without even telling the authorizing committee, and we cannot do business that way.

I have a second problem with the bill, but it would not have caused me to vote against the bill. I believe the provision by the gentleman from North Carolina (Mr. TAYLOR) on the National Park Service should have been left in the bill. It is the most successful outsourcing organization in the country, and instead of attacking the most successful and highly-rated government organization in the country, even with the guidelines of the gentleman from North Carolina (Mr. TAYLOR) which are very well written, basically guarantee that this money will be wasted.

This is the type of thing that when President Bush has made national parks a centerpiece, his staff did him a disservice by having this in the bill that is aggressively focused at the park service when they are already over a majority, one of the only organizations in the government that is over a majority already outsourced, it is not only wrong, wasteful, but it is politically stupid. I hope we can get this fixed with the administration as we work through. I know the committee understands my concerns, and we will continue to work with them, but we have to have some kind of process where the authorizing committees are respected, and I stand with the gentleman from California (Mr. POMBO).

It is with great reluctance that I rise to oppose this appropriations bill. I rarely vote against appropriations bills because I know how hard it is to reach the compromises necessary to pass these bills.

I rise partly in opposition to the imposed language, with no participation from the authorizing committee on the Tribal funds issue. We have clear conference guidelines to protect against this very thing and this was a blatant violation that threatens the committee system.

Secondly, I deeply believe that the provisions on outsourcing in the National Park Service is a terrible policy mistake. I have been a consistent supporter of competitive bidding, outsourcing and/or privatization. But the way OMB is approaching this issue endangers the process as a whole.

Employee work in our national parks is already under 50 percent. It is a serious story. Some outsourcing has been pulled back because, for example, private contractors found that it was hard to remove waste from remote mountain ranges. Or they only wanted to do it when economic times were hard. In other cases, bids were sought and none arrived.

In other words, the National Park Service is a success model. But if OMB won't distinguish between success and failure, if money must be wasted in a never-ending hunt, not only will organizations like the National Park Service become demoralized, there will be no voluntary efforts, even more resistance and bitterness, and eventually a revolt against all outsourcing.

Relatively mindless "cookie-cutter" approaches are an abdication of responsible government. The National Park Service rangers have among the highest, if not the highest, public approval ratings of any government or private sector employee. Even if the Park Service wasn't already 50 percent contracted out, why fix something that is not broken? We have enough problem areas on which to focus.

Furthermore, President George W. Bush fully understands the importance of our national parks, to our nation, and from his personal comments, to his family.

While the President favors outsourcing, as I do, it is poor staff work to further attack the National Park Service and waste more funds on outsourcing. Instead, the funds should be used to help eliminate the national parks maintenance backlog. Or it could be used to reduce the $30 million this bill is overbudget. Instead of staff attacking the National Park Service, the President should be told of its successes, and bragging about it.

The original House language exempted the National Park Service. By friends and colleagues, Congressman TOM DAVIS and PETE SESSIONS were going to introduce an amendment to remove the provision. After discussions, during which it was apparent the amendment would likely overwhelmingly lose, they withdrew their amendment. Later in the bill, Congressman BEREUTER offered a specific exclusion amendment for the archaeological centers. He won overwhelmingly. Repeatedly this House has made it clear that the National Park Service is not like other agencies.

I do want to thank the Committee for definitive language forcing detailed guidelines on such studies. It means that, most likely, most of the outsourcing dollars being spent will be wasted money but at least it will be reasonably fair. As chairman of a subcommittee with National Parks oversight and as a member of the Resources full committee and National Parks subcommittee, I will be closely monitoring every threat to dangering our Park Service.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. COLE).

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

Mr. COLE. Mr. Speaker, I rise in opposition to the conference report on H.R. 2691. I am generally supportive of the bill's thrust and appreciate the good work of both the Committee on Appropriations chairman and subcommittee chairman. However, the provision inserted into this legislation relating to the Indian trust issue makes it personally unacceptable for a variety of reasons.

It is unacceptable, first, because it amounts to legislating in an appropriation bill, and I find that unfortunate.

Second, it was not included in either the original House or Senate bill, and consequently did not receive the scrutiny and debate that it deserved.

Finally, it is an effort, I think, inappropriately, to derail a judicial process that is already in progress. It is unfortunate that we are at this particular moment, and I regret having to vote against this bill. But I think had we operated through the Committee on Resources, let the processes in place work out, we could have arrived at a solution to the problem that was fair and equitable and trusted by all sides. It is with great reluctance that I rise in opposition.

Mr. Speaker, I rise today in opposition to the Conference Report on H.R. 2691, the Department of the Interior and Related Agencies Appropriations Act for fiscal year 2004. I am supportive of the general thrust of this bill, particularly the emergency funds to help fight the wildfires in the West. Moreover, I recognize the need to finish appropriation bills on a timely basis.

I respect the Appropriations Committee chairman and subcommittee chairman who laid out the broad framework for this generally laudable appropriations measure. I want to be clear that my criticisms of the substance of one part of this bill in no way are intended to reflect on the fine work and integrity of the chairman and the members of the committee.

However, I feel compelled to vote against H.R. 2691 because of one provision in the bill concerning the Indian Trust issue. This provision was inserted in language funding the Office of the Special Trustee for American Indians and would dictate the manner in which the Department of the Interior undertakes a complete historical accounting of individual Indian Trust accounts. It is clearly the first step in a process designed to impose rather than negotiate a settlement of Indian Trust account claims and to do so for as little money as possible regardless of the merits of individual cases or the historical culpability of the Federal Government in the mismanagement and theft of Native American assets held in trust.

This provision clearly violates the House Rule against legislating in an appropriations bill. Moreover, it undermines the excellent work of the Resources Committee, which has held two hearings on the Indian Trust issue and has been in the process of building a bipartisan framework to settle the Indian Trust issue in wake of the questions arising out of the so-called Corbel litigation. If this conference report is approved in its present form it will hinder the efforts of the Resources Committee to resolve this issue fairly and honorably for all concerned.

In addition to being legislatively and procedurally unsound, the provision in question is clearly designed to limit the ability of Native Americans to pursue their legitimate claims in court. Frankly, I predict that this effort will fail. However, it will cost the litigants and the Federal Government more rather than less money in the long run. Moreover, it will further poison the historically poor relations between Indian tribes and the Federal Government.

Frankly, I am appalled that this language was included in the conference report on H.R. 2691 since it was not part of either the original House of Senate Interior appropriation bills. It was added in the dead of night in order to avoid legislative scrutiny and open debate. This is a clear violation of the spirit if not the letter of the normal rules that govern the legislative process. It discredits the legislative process and should embarrass and disappoint every member of this body regardless of their position on the issue.

In my opinion, this language delays justice for half a million individual Indian Trust beneficiaries who have waited over 100 years for a full and fair accounting of the property which the Federal Government holds in trust for them. This is both reprehensible and unacceptable. I intend to work within the framework of this institution to see that the mischief done in this appropriations bill is ultimately undone.

Mr. Speaker, it is tragic that this provision was added to this otherwise praiseworthy and essential piece of legislation. Its inclusion makes it impossible for me or any other member who cares about the rights of Native Americans to support this bill. However, I take comfort in the fact that this issue will be dealt with again, both in the courts and in the halls of the Congress of this great republic.

Mr. RAHALL. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources who I have had the pleasure to work with, and who is very capable and fair.

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

It is with regret and a certain reluctance that I come to the floor tonight in opposition to the Interior appropriations bill. I think that the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) have done an excellent job with this bill, and it is probably one of the best Interior appropriation bills that I have seen during my time in Congress.

But having said that, the addition of language dealing with the Indian trust issue, the Cobell v. Norton decision has forced me to rise in opposition to the bill. I will say to my friends, my colleagues, this is the wrong thing to do. It is wrong to put this into an Interior appropriations bill. When the Interior appropriations was moving through the House of Representatives, there was a provision that dealt with Cobell. It was a different provision, very different than what is in this bill, and I want to make that clear. However, that provision was struck and part of the debate, part of the discussion that went on on this floor was that the authorizing committee would have the opportunity to sit down and work our way through a hundred year old problem, and we are doing it.

We have held a number of hearings in our committee. We have held a number of field hearings. As the gentleman from Arizona (Mr. HAYWORTH) said, he is holding a hearing on Monday dealing with this issue. The only way we are going to solve this problem is if we have the opportunity to sit down, to consult, to negotiate, and to ultimately reach a settlement. We are not going to do it by some rider put on in an appropriations bill. The only way we are going to solve this problem is if the authorizing committee, if the gentleman from West Virginia (Mr. RAHALL), myself, the members of my committee, have the opportunity to sit down with those that are impacted by this and do what is the best thing possible for the American taxpayer and for the Native American community in this country. That is how we are going to solve this problem.

We are not going to do it on a rider. This is the wrong way to settle this problem. I appreciate that this is only good for a year and it is a cooling-off period as some of my colleagues have said. I am sorry, we do not do it on an appropriations bill, and I do not care who wants it. The only way we can solve this problem is to sit down and consult, negotiate, and ultimately lead to a settlement. That is what we are in the middle of doing, and I will pledge along with the ranking member, the gentleman from West Virginia (Mr. RAHALL), that we will continue to work on that and we will get it done. But, Mr. Speaker, do not do it on an appropriations bill.

Mr. RAHALL. Mr. Speaker, I yield the remainder of my time to a member of the Cherokee Indian Nation, the gentleman from Oklahoma (Mr. CARSON).

(Mr. CARSON of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, I am here to voice my strong objections to the language included in the fiscal year 2004 Interior appropriations bill. This language, as has been discussed, delays justice to over 500,000 individual Indian money account holders.

I represent a district with the most heavily Native American population in the entire country. And as a member of the Committee on Resources, the committee with jurisdiction over this important matter, I had no opportunity nor ability to participate in discussion on this language's effect on my constituents.

For this reason, although I am a strong supporter of a number of provisions in this bill, I cannot in good conscience vote for it. I respectfully request that my colleagues vote yes on the motion to recommit and no on final passage.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY), a distinguished member of the subcommittee.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to the gentleman from North Carolina (Mr. TAYLOR), and I also want to express my respect for the work the gentleman has done on this bill and the way it has been done. But unfortunately, for reasons that are largely beyond his control, there are serious defects and deficiencies in this bill, so at the appropriate time I intend to offer a motion to recommit.

This conference report breaks the promise to maintain the fully funded Interior portion of the Conservation Trust Fund, and that would be at $1.56 billion. The Conservation Trust Fund was groundbreaking, bipartisan conservation legislation designed to protect the Nation's threatened natural resources. To abandon it after only a few years violates a commitment that this House and this Congress made to the American people. Instead of the promised $1.56 billion, the bill contains just over $1 billion, $447 million below the authorized level and $87 million even below that appropriated last year.

This funding level is an assault on the ability of the Nation to conserve lands and protect sensitive forests and parks. This funding is important because the American people value the programs in the Conservation Trust Fund for protecting open space and historic sites, conserving wildlife and wildlands, and creating opportunities for recreation for both body and soul. Because of these cuts, some threatened lands that would have otherwise been protected will now be lost forever.

Within the Conservation Trust Fund, the Land and Water Conservation Fund which funds land acquisition is especially hard hit with deep cuts. Land acquisition is funded at only $176 million, that is $137 million below last year. It is a 60 percent cut below 2002. So this conference report willfully walks away from our responsibilities to protect and conserve our precious land. And if we approve it, I predict next year we will be fighting even deeper cuts than we are experiencing this year.

And then there are a series of antienvironmental riders. This conference report includes damaging riders. Some of them, for example, would strike at the heart of the protection of the coastal lands. One Senate rider, for example, removes Alaska's Bristol Bay from protection, even though the House bill and the President's budget renewed the moratorium that put that protection in place.

Mr. Speaker, it could be our coastline next. Another Senate rider sets a dangerous precedent for interfering with the independence of the Federal judiciary by severely limiting the amount of time that the public has to challenge harmful logging projects in the Tongass National Forest in Alaska, and limiting the amount of time a Federal district court has to rule on those cases. People will be denied their time in court. There are a host of our damaging antienvironmental riders in this bill, and for those and other reasons, I will offer a motion to recommit.

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

I want to end the debate on our side by saying I strongly support the conference agreement, and I hope Members will vote for the conference agreement. I appreciate the comments made here tonight. We are going to work hard to resolve the problems on the trust account issues. We will work with the authorizers. The chairman and Mr. RAHALL are acting in very good faith. I know there has been a hearing, and they are going to have another hearing.

We need a solution to this problem, and I pledge tonight to my constituents back in the State of Washington that I will work tirelessly for a solution to this problem, so we can do justice to the holders of these accounts.

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

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I rise first to support this conference report, but I also want to address another issue, especially to my fiscally conservative friends. They received in their offices today a publication that would appear to be coming from the Committee on Appropriations because it says Appropriations Update in the big headline. The actual author of the paper is shown in small print, which indicates that the author is the Committee on the Budget. It says that this bill exceeds by $30 million the 302(b) suballocation issued by the Committee on Appropriations.

The problem is, at least I guess what it is, the Committee on the Budget has one budget resolution to pass in the House, then that resolution goes to Senate, and then the House and Senate go to conference on that one resolution. Then they bring a conference agreement back, and we barely pass the budget resolution.

The Committee on Appropriations has 13 regular fiscal year bills and, this year, three supplementals. So when we start to go to conference with the other body on all these bills, we have got to have the ability to negotiate the 302(b) allocations with the other body so we end up with the same 302(b)s in the House and in the Senate for each bill.

In fact, if Members are concerned about this publication that was distributed today, let me say there should be no confusion. The Interior conference report is within the 302(b) allocation that was agreed to by myself and Senator STEVENS. We provided this 302(b) allocation for the conference.

□ 2000

So, in fact, this bill is within the 302(b) allocations set for the conference, and, in fact, is below last year's level. For those who might be misled by this publication, understand our process of 302(b) allocations as we go to conference, and understand that we are within the bill's 302(b) allocation. We are not over it, despite what this report says.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

I share the frustration of many of those who have spoken on the Indian trust issue. I represent the eastern band of the Cherokee Indians. I have been taught and seen it over and over again, the old adage that government will mess up a one-car funeral.

The committee spent $20 million of the taxpayers' money to do a transaction-by-transaction accounting of five named plaintiffs in the Cobell v. Norton litigation and found that one check for $60 went to the wrong person; $20 million to find a $60 error. Can anyone argue that this is a good use of the American taxpayers' money? A Federal court ruling on September 25, 2003, in the class action lawsuit ordered an expanded transaction-by-transaction historical accounting from 1887 to the present. Initial estimates indicate that the accounting ordered by the court would cost between $9 billion and $12 billion. Nobody ever envisioned that we would be spending $12 billion on an accounting that does not provide one dollar to Indian country. We have included language that limits funds available to the Department of the Interior for historical accounting to those activities that need to be accomplished and can be accomplished in the short term. Beyond the funding limitation, language has been included protecting the Department from further court action during this 1-year time-out period. This gives the authorizing committees time to address the issue. The appropriations committee is not addressing this. We are putting this with the authorizing committee.

Without this language in our bill, the court would likely hold the Secretary in contempt and find for the plaintiffs' accounting that the government owes $176 billion in this matter without any further negotiation or findings. For the past 3 fiscal years, the Committee on Appropriations has stated that it will not appropriate hundreds of millions of dollars, now billions of dollars, for a historical accounting. There was no other option but to include the time-out provision in this bill. There is only one source of money available to the committee; and an accounting of this magnitude, $12 billion, would require that vast sums be diverted away from other programs in the bill. Without the time-out language, we would have to divert vast amounts of money from Indian education, health care, the National Park Service, as well as critical fire fighting funding; and that is just to name a few. There will be further court proceedings in this case based upon the government's appeal of this court ruling. We should not expend hundreds of millions of dollars while this case is under appeal.

We fully agree with the gentleman from California (Mr. POMBO) that the authorizing committees should address this issue, and we are not trying to do that. All the interior bill does is provide for a 1-year time-out, basically the remaining term of this Congress, to allow the Congress to provide, hopefully, a comprehensive solution to the Indian trust issue, or at least address

the scope of the historical accounting so the Congress will not be put in the position of cutting programs in this bill to fund a $12 billion accounting. If the language is struck from the bill without providing full funding for the court-mandated accounting, some $3 billion in 2004, the court will likely hold the Secretary of the Interior in contempt and find summary judgment for the plaintiffs' accounting which purports to show that the government owes $176 billion.

The gentleman from Wisconsin (Mr. OBEY) pointed out that we were $400 million short in this bill. If we have to pay $3 billion just for an accounting next year or we are asked to pay $176 billion in the next year, or $12 billion maybe in a short period of time, imagine what will happen to this bill and the Department of the Interior, Forest Service, Energy and the critical funds that we provide for Indian health, education and other needs.

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

Mr. ISSA. Mr. Speaker, I rise this evening to speak on the FY 2004 Interior appropriations bill. I wish to thank the House Appropriations Committee for providing the much needed increases in funding for the fire-fighting and fire prevention accounts within the Department of Interior. As my constituents and the constituents of my other colleagues representing the counties of San Diego, San Bernardino, Los Angeles, Riverside and Ventura have discovered first hand over the last week, it is imperative that Congress fund the necessary resources needed to prevent fires and fight fires.

Though I do plan on voting in support of this bill because of this funding and the funding of other important programs, I am concerned about the inclusion of a provision in this bill to halt a historical accounting of errors in the Indian trust fund accounts. While I recognize the need to address this issue quickly, the Interior appropriations bill is not the appropriate vehicle. An issue of this magnitude is better addressed through the normal legislative process. The House Resources Committee, chaired by Representative RICHARD POMBO, has already held numerous hearings on this issue, developing the necessary legislative history. Mr. POMBO is committed in working towards a more complete solution. I strongly disagree with the decision to include language in this bill that preempts the Resources Committee's thoughtful work on the trust fund issue.

Mr. UDALL of Colorado. Mr. Speaker, I regret that I cannot vote for this conference report.

The annual appropriations bill for the Interior Department and related agencies is important for the whole country, but particularly for Colorado and other states that include extensive tracts of Federal lands.

It benefits all Coloradans for the Interior Department and the Forest Service to have the funding they need to do their jobs. I also support many other things that are funded in this bill, such as energy conservation programs of the Department of Energy, the Smithsonian Institution, and the National Endowments for the Arts and the Humanities.

However, when the House first considered this bill, I found it so flawed that I could not support it. I voted against it in hopes that after the Senate acted and the bill came back to the House from conference it would be improved enough so that I could vote to send it to the President for signing into law.

To a degree, that hope has been realized. The conference report does include some definite improvements on the House-passed bill.

Perhaps most importantly, the bill would provide $400 million to repay the accounts from which the Forest Service, Bureau of Land Management, and other agencies had to take funds in order to fight forest fires. This is a very great improvement over the House-passed bill, as is the fact that the conference report restores $70 million for Forest Service wildfire preparedness to keep firefighter readiness at the 2003 level, and also would provide $2.5 billion for the National Fire Plan—$1.8 billion for the Forest Service and $694 million for the Department of the Interior—which is $126 million above the President's request and includes an increase of $289 million for wildfire suppression, $11 million for hazardous fuels reduction, and $9 million for State and community fire assistance.

Those are good provisions that deserve support. And, in addition the conference report also includes some items of special value to Colorado.

For example, I am particularly glad that the conference report—unlike the House-passed bill—includes $2.5 million to enable the Forest Service to continue its acquisition of lands in the Beaver Brook watershed, in Clear Creek County, now owned by the city of Golden. Together with others in the Colorado delegation, I have been working to complete this multi-year project, and am pleased that the conference report would enable it to go forward.

Similarly, the conference report improves on the House-passed bill by providing $9 million for the acquisition of lands in the San Luis Valley—$7 million for the portion of the lands that will become a new National Wildlife Refuge and $2 million to round out the Great Sand Dunes National Park.

I strongly support this, as I also do the provisions of the conference report that would provide the Forest Service with $1 million for acquiring lands in an elk corridor in the White River National Forest and the same amount of needed work on the Continental Divide Trail, the National Park Service with funds for planning for a new curatorial facility at Mesa Verde cultural center, and the Bureau of Land Management with money for acquisitions in the Canyon of the Ancients National Monument.

But in other respects the conference report not only fails to improve on the House-passed bill, but actually is even more flawed—so flawed that I think it deserves to be rejected.

Two aspects of the conference report are particularly bad, in my opinion—one involving language that is included, and one involving a provision of the House bill that has been dropped.

The conference report includes a remarkable legislative rider that says—

nothing in the American Indian Trust Management Reform Act of 1994, Public Law 103–412, or in any other statute, and no principle of common law, shall be construed or applied to require the Department of Interior to commence or continue historical accounting activities with respect to the individual Indian Money Trust until the earlier of the following shall have occurred:

(a) Congress shall have amended the American Indian Trust Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Department of the Interior with respect to the Individual Indian Money Trust; or

(b) December 31, 2004.

I am not a lawyer, but it seems clear that this provision is intended to at least temporarily allow the Department of the Interior to refuse to comply with a recent decision in the pending Cobell v. Norton litigation dealing with the management of Indian trust accounts.

Whatever might be said in its favor, it is not the kind of thing that should be included in an appropriations bill. In fact, it would be subject to a point of order under the rules of the House except for the decision of the Republican leadership to waive the normal rules.

The subject matter of this provision is squarely within the jurisdiction of the Resources Committee. As a member of that committee, I share the view of Chairman POMBO that the inclusion of this language—which was not in either the House or Senate bill—in the conference report is ''an affront'' to our committee. I also share the Chairman's view that its enactment could make it even harder for our committee to play a constructive role in trying to resolve a situation that is a serious problem for both Native Americans and the Interior Department as well.

And at the same time this was being put into the conference report, section 337 of the House-passed bill was being deleted. That section was added when the House adopted a revised version of an amendment I had offered to protect not just Federal lands but also private property and the public interest.

It would have done that by preventing the Interior Department from going ahead with secret negotiations leading to back-room land deals under which the Interior Department would issue ''disclaimers of interest'' that would give away the government's claim to an interest in land.

For decades, the Interior Department issued such disclaimers to people who were on record as owning the lands involved. It was a legal technicality—important for the people involved but not a tool for changing the management of sensitive Federal lands or creating problems for private land owners. But that has changed because the Interior Department has changed its regulations. It has adopted new rules to claim broad authority to issue ''disclaimers'' to parties that wouldn't have been eligible under the old rules—and it has announced it is ready to give those ''disclaimers'' to parties seeking them in order to clear the way for building roads.

This involves the lingering ghost of the Mining Law of 1866. That was one of the 19th-century laws to promote settlement and development in the West. Among other things, it granted rights-of-way ''for the construction of highways'' on Federal lands. That provision later became section 2477 of the Revised Statutes—or RS 2477.

In 1976, RS 2477 was repealed. But the repealing law did not affect existing rights under RS 2477, and did not set a deadline for claiming those rights. So, there is no way of telling how many claims might be made or exactly what lands are affected.

But we do know that RS 2477 claims can involve not just Federal lands—lands that currently belong to the American people—but also lands that once were Federal but that now belong to other owners. That includes the

lands that were homesteaded, as well as patented mining claims and the lands that the Federal government gave to the states, the railroad companies, and other entities during the 19th and 20th Centuries.

Millions of acres of those lands now are ranches or farms, or residential subdivisions, or single-family homes, or private cabins in the mountains like ones owned by some of my constituents. And millions of acres of those lands now belong to the Native Corporations established under the Alaska Native Claims Settlement Act.

Also at risk are millions of acres that are still owned by the American people—including National Parks, National Forests, National Wildlife Refuges, National Monuments, Wild and Scenic Rivers, as well as wilderness areas and areas that deserve protection as wilderness areas. This problem is not new, but it is very serious. It needs to be resolved—but not the way the Interior Department wants to resolve it. What the Interior Department wants is to negotiate in secret and then issue ''disclaimers.'' They have already started that process with the State of Utah. And other parties—including the current state Administration in Colorado—are starting to ask for deals of their own. These backroom talks need to stop. Instead of making deals, the Bush administration needs to come to Congress for new legislation.

That was what Congress told the Clinton administration when Secretary Bruce Babbitt moved to change the Interior Department's RS 2477 regulations. To make sure that Secretary Babbitt got the message, Congress passed a law that says any new RS 2477 rules must be authorized by Congress. That law is still on the books. But the Bush administration says that is irrelevant because the new ''disclaimer'' regulations are not covered, even though they intend to use their new rules for RS 2477 claims. It's an interesting argument—but, frankly, it reminds me of the argument about defining the meaning of the word ''is.'' In other words, it may be clever, but it fails the test of common sense.

Of course, the administration also says they will only make deals that are in the public interest, so Congress doesn't need to get involved. But the best way to promote the public interest is to involve the public—not to make secret deals. And the best way to resolve this issue is by enacting new legislation, after public hearings and open debate. That's why I have introduced a bill—H.R. 1639—to do just that. My bill would set a deadline—four more years—for filing RS 2477 claims. It would establish a fair, open administrative process for handling those claims and would set another deadline for any lawsuit challenging the result of that administrative process. Maybe my bill could be improved, and some of our colleagues may want to propose their own ideas—that is the legislative process. And that is how this issue should be resolved, not by backroom deals or clever maneuvers to try to side-step Congress.

That is why I offered my amendment—to block the administration from trying to circumvent Congress. And while my original amendment was not adopted, the House did adopt a narrower version proposed by Chairman TAYLOR himself.

That part of the House bill would have barred implementation of the new ''disclaimer'' regulations with regard to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit, or lands within the National Wilderness Preservation System.

This did not go nearly far enough, in my opinion. It did not address and would not protect all lands that could be affected by the new regulations. However, it would have protected some of the most sensitive parts of America's public lands.

That was why last week more than 100 of our colleagues joined the gentleman from Michigan, Mr. EHLERS, and me in sending a letter urging the conferees to at least include the House language in the conference report. We thought that was a very reasonable request, especially since that part of the House bill had been written by the chairman of the relevant appropriations subcommittee and that the administration had not expressed any opposition to it during the debate on the House floor.

However, our request was not granted, and the House's provision on this subject was omitted from the conference report. As a result, nothing in the conference report will restrain the Interior Department from implementing its new ''disclaimer'' regulations in ways that could have serious consequences for the National Parks, National Monuments, National Wildlife Refuges, or the wilderness and wilderness-study areas.

Of course, I hope that won't happen. I hope that the administration will recognize that proceeding in that way will yield only unnecessary controversy and protracted litigation. I do have hope—but, frankly, I have little confidence. The administration seems determined to press ahead, and I expect that they are headed straight for the courts.

There are other things I dislike about this conference report—for example, the fact that it includes a provision to extend the recreation fee demonstration program for 15 months, which is another instance of a violation of the House's rule against including legislation in an appropriations measure. Even so, if the Indian trust provisions had been omitted and the House-passed restrictions on the new ''disclaimer'' rules had been included, I might still have been able to support it. However, I have concluded that I cannot vote for the conference report as it now stands.

Mr. SHAYS. Mr. Speaker, protecting our environment is one of the most important jobs I have as a Congressman. Unfortunately, the conference report before us today weakens several significant land and water protections.

Language in this conference report will roll back our moratorium on offshore drilling by allowing new oil and gas drilling in Bristol Bay. It will reduce judicial review on Tongass timber sales by placing a 30-day statute of limitations on challenging those sales in court. It will remove language included in the House bill that would have reduced the scope of an environmentally-destructive rights-of-way rule published by the Department of the Interior in January.

In addition, the conference report waives National Environmental Policy Act (NEPA) review for expiring grazing permits, which will further discourage agencies from complying with environmental laws and could lead to continued degradation of sensitive public lands.

Finally, H.R. 2691 reduces funding for valuable Land and Water Conservation Fund acquisition programs by $142 million.

I urge my colleagues to oppose this legislation. Congress can and must do a better job protecting our environment. We simply will not have a world to live in if we continue our neglectful ways.

Mr. DINGELL. Mr. Speaker, Ranking Member DICKS, I would like to draw the managers' attention to the Detroit River International Wildlife Refuge.

In Fiscal year 2003, the Committee appropriated $3.5 million for land acquisition in the Detroit Rive Refuge. For this I was grateful.

Mr. Speaker, the Trust for Public Land, recently acquired an ecologically significant tract of land known as Humbug Marsh and Island. This is a tract I have been working to acquire for many years. This funding in FY 03 made this acquisition possible. And this year I was seeking addition funds to complete this acquisition. The Humbug project is wired and ready to go.

Unfortunately, the conference report includes language, inserted by the other body, indicating that further appropriations for the Refuge have been delayed because additional funds could not be obligated in 2004. It also states that there are outstanding issues related to contaminants. In point of fact, Mr. Speaker, neither of these statements has any basis in fact.

I would ask, at this time, for unanimous consent to insert into the RECORD a letter from Mr. Eric Alvarez, Chief of the Reality Division of the Fish and Wildlife Service. Mr. Alverez writes to me, ''With adequate funding and no unforeseen problems...we anticipate a February or March 2004 closing date 'for the Humbug property.''

I would also note to the Chairman and the committee that Secretary of the Interior Gale Norton was at the Detroit River Refuge for a centennial celbration event in September. I would like unanimous consent to insert into the RECORD a letter I have just received from Secretary Norton demonstrating her commitment to the conservation values of the Detroit River Rufuge.

Mr. Speaker, I would hope that we can work together to address this issue as the process moves forward.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, DC.

DEAR MR. DINGELL: The Fish and Wildlife Service's Division of Realty has been working on the Detroit River International Wildlife Refuge since December 2001. Since that time we have been evaluating a number of properties for inclusion into the refuge while developing our land protection plan. Recently, a key tract, known as the Humbug Marsh tract, was acquired by the Trust for Public Lands. Until this acquisition the Service did not have many viable tracts where the existing funds would have been obligated.

Preliminary information indicates that the tract may be worth around $4.9 million. The Service is currently working on the contaminant survey and the appraisal that will indicate the actual purchase price.

The contaminant survey has yet to be completed, therefore we do not want to speculate on the presence or absence of contaminants. conversations with TPL representatives indicate that they believe that there

should not be significant contaminant issues.

An appraisal will indicate the purchase price and the service has $3.4 million available for the acquisition. The difference between the remaining amount and the original appropriation ($3.5 million) has been used to pay for the contaminant survey and the appraisal.

With adequate funding and no unforeseen problems, with title or contaminants issues, we would anticipate a February or March, 2004 closing date.

Please feel free to contact me at 703–358–1713 if you or your staff require more information.

Sincerely,

ERIC ALVAREZ,
Chief, Division of Realty.

Hon. JOHN DINGELL,
House of Representatives,
Washington, DC.

DEAR MR. DINGELL: Thank you very much for including me in the celebration of the Detroit River International Wildlife Refuge. It was a pleasure to be on hand with you to celebrate the Refuge System Centennial.

I also appreciated the opportunity to hear more about the spirit of cooperation and partnerships that made the Detroit River Refuge possible. An unprecedented partnership between Federal, State, Canadian, county and local governments, private industry, conservation groups, and local citizens resulted in a unique home for waterfowl, fish, and migratory birds. This refuge is truly something of which you can be very proud.

Again, many thanks for your kind and generous hospitality. Please pass on my best to Debbie. I had a wonderful time with the two of you at lunch afterwards.

Sincerely,

GALE A. NORTON.

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

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. HINCHEY

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

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. HINCHEY. In its present form, I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. HINCHEY moves to recommit the conference report on the bill H.R. 2691 to the committee of conference.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces that this vote will be followed by votes on the adoption of the conference report and on the motion to suspend the rules and agree to House Concurrent Resolution 302. Both of those votes will be 5-minute votes.

The vote was taken by electronic device, and there were—yeas 190, nays 229, not voting 15, as follows:

[Roll No. 594]

YEAS—190

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

NAYS—229

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

NOT VOTING—15

Akin
Blumenauer
Bradley (NH)
Case
Emerson
Fletcher
Gephardt
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Smith (TX)
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR) (during the vote). Members are advised there are 2 minutes remaining to vote.

□ 2028

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

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 205, not voting 13, as follows:

[Roll No. 595]

YEAS—216

Aderholt
Alexander
Allen
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bereuter
Berkley
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Clyburn
Coble
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emerson
English
Everett
Fattah
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
Marshall
McCarthy (NY)
McCrery
McHugh
McKeon
Meehan
Mica
Michaud
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Ose
Otter
Oxley
Pastor
Pence
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryun (KS)
Sandlin
Saxton
Schrock
Serrano
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Spratt
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Beauprez
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boswell
Boucher
Brown (OH)
Brown, Corrine
Buyer
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chabot
Chocola
Clay
Cole
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Duncan
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Flake
Ford
Frank (MA)
Franks (AZ)
Frost
Gibbons
Gonzalez
Graves
Green (TX)
Green (WI)
Grijalva
Harman
Hastings (FL)
Hayworth
Hefley
Hensarling
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jones (NC)
Jones (OH)
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kline
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McDermott
McGovern
McInnis
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Moore
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Pombo
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sabo
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Akin
Blumenauer
Bradley (NH)
Case
Fletcher
Gephardt
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2037

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WELCOMING PRESIDENT CHEN SHUI-BIAN OF TAIWAN TO THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 302.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 302, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 596]

YEAS—416

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer

Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Abercrombie
Akin
Bachus
Blumenauer
Boehlert
Bradley (NH)
Capps
Case
Fletcher
Gephardt
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Renzi
Sanchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2046

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2046

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 421 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 421

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of October 30, 2003, providing for consideration or disposition of a conference report to accompany 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.

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, our resolution would waive clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules against certain resolutions reported from the Committee on Rules.

This resolution applies the waiver to any special rule reported on the legislative day of October 30, 2003, providing for the consideration or disposition of a conference report to accompany 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. Speaker, given the urgent need to move the Iraqi supplemental to the President's desk without further delay, the Committee on Rules has acted to expedite consideration of this critically important conference agreement filed in the House just a short while ago. Members will have ample opportunity to debate the merits of that conference agreement once we move to its consideration here in the House.

Accordingly, Mr. Speaker, I urge my colleagues to adopt this resolution so that we may begin this important debate.

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, I voted for the U.S. military action to remove Saddam Hussein from power. I support the American troops and civilians who are now in Iraq doing the dangerous job of rebuilding that nation. And I expect to vote for President Bush's $87 billion supplemental for the supplemental foreign aid package for Iraq even though it still does too little for the U.S. troops and asks too much of U.S. taxpayers.

But this martial law rule is the perfect example of what is wrong with the approach the Bush administration and the Republican leadership of this Congress have taken to rebuilding Iraq. Instead of being honest with the American people about the dangers and difficulties of nation-building in Iraq, they keep trying to sweep it all under the rug.

Earlier this week we had the literally unbelievable scene of President Bush trying to spin the public into believing that sophisticated and deadly terrorist attacks in Iraq actually demonstrate ''progress'' in Iraq. A similar thing is happening on the House floor today, Mr. Speaker. Instead of being open with the public, the President and the Members of this House, Republican leaders, want to waive the House rules so that no one has time to actually read the text of this $87 billion foreign aid package.

Make no mistake, this is exactly what this ''martial law'' rule does. It is simply a procedural way to get around the House rule that would otherwise guarantee everyone one legislative day to examine this massive expenditure of American taxpayers' money.

Of course, Republican leaders long ago made secrecy a key component of this strategy for running the House of Representatives. This martial law is the 8th time this year that Republicans have waived the House rules to rush legislation through the House. In the last Congress they did it 27 times. But their secretive approach to this $87 billion foreign aid package poses an even greater danger.

That is because President Bush and his administration have already developed a dangerous credibility problem on Iraq, a credibility gap that threatens to undermine our ability to win the peace.

For too long they have treated nation-building in Iraq as some sort of political campaign, relying on spin, sophistry, and stagecraft to hide from the public the true magnitude of the dangerous and difficult job before us.

Mr. Speaker, the American people are smarter than that. They cannot be spun by President Bush and they cannot be kept in the dark by this Republican Congress. They know that more than 120 Americans have died in Iraq since President Bush's carefully choreographed PR event to declare victory on an aircraft carrier. They know that they have already spent billions of dollars on Iraq, and the United States already has a massive debt of its own, one that will raise the debt tax on every American. They remember being told before the war that Iraq is an oil-rich Nation that could pay for its own reconstruction.

That is why the process surrounding this supplemental spending bill has been so controversial and why so many Members who support President Bush's nation-building project may refuse to vote for it until he finally presents to the American people a credible plan to

win the peace in Iraq. It is also a big part of the reason that we have been losing the relatively meager international assistance we have had so far, with the Red Cross and the United Nations scaling back their presence in Iraq. And it is where so many Americans have such sincere doubts about this effort with nearly a majority of Republicans wanting to pull U.S. troops out of Iraq, according to a Gallup Poll this week.

Mr. Speaker, more secrecy from the Republican Congress will only make the Bush administration's credibility gap worse. It will only make it more difficult to maintain public support for the important job of winning the peace in Iraq. Take, for example, the issue of accountability. American taxpayers have already given the Bush administration $79 billion to spend on Iraq. So when the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG) came before the Committee on Rules, the gentleman from Florida (Mr. HASTINGS) asked him whether he knew what had become of the previous $79 billion. He answered, ''I would like to tell you that I do, but if I did I would not be telling the truth.'' If the chairman of the Committee on Appropriations does not know, then presumedly no other Member of Congress has any idea where that $79 billion has gone.

So during the conference an amendment was adopted to create an office of the inspector general to find out where the money is going in Iraq. Now, however, we find out that the conference report has been changed to give President Bush the power to muzzle the inspector general whenever he might have some bad news to report, which very likely means that the public will never see a report from the new inspector general that contradicts the Bush administration's PR campaign. So this $87 billion package may disappear into the same black hole that swallowed up the first $79 billion.

Mr. Speaker, we should be giving the public more time to examine this massive $87 billion package, not rushing it through before anyone can read it. That is why I urge Members to oppose this martial law rule. That way the Congress can try to begin repairing President Bush's credibility problem on Iraq.

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

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

Mr. ROYCE. Mr. Speaker, this rule is important so that we can bring up the supplemental conference report tonight to fund our troops. The need is very urgent. This past weekend I had the privilege of traveling to Iraq where I led a Congressional delegation. And I say ''privileged'' because it was a privilege to spend time with our brave servicemen and women on the ground in Iraq who are doing a tremendous job under difficult conditions. They deserve our greatest support.

And, Mr. Speaker, that is what this bill does. It supports our servicemen and women with the resources that they need. And I would like to commend the gentleman from California (Mr. LEWIS) and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), and all the Members involved in working out this bill with the other body.

I would like to bring attention to one program in particular contained in this bill: The Commanders Emergency Response Program, which, fortunately, was agreed to by the conferees. Having seen this program at work on the ground in Iraq, I would like to report to my colleagues that it is effective and it is very efficient. This program allows our military commanders in Iraq to respond to urgent humanitarian relief and reconstruction needs. And with this program, we have repaired roads, water treatment facilities, police stations, and schools. We had an opportunity to see this work. And this is done hand in hand with Iraqi labor and it is done very cost effectively.

To date, the program has been carried out with the funds seized from Saddam's regime, including funds taken from overseas accounts and taken out of the walls of Saddam Hussein's palaces in some cases. And these funds are running out. And our troops are fighting to show the Iraqi people that their best future lies with democracy and with the rule of law. These projects give the Iraqi people hope for that future, emboldening them to fight the Baathists and emboldening them to fight the terrorists. And they also make our troops safer.

Our top commanders in the field see these projects as security for our troops. They see these projects as winning friends and weakening our enemies. One commander told me that this program was the most important ammunition he had. It is my hope that this program continues to be carried out in a streamlined and flexible way, taking the greatest advantage of the ingenuity of the Americans and Iraqis working together. It is not too much to say that this modest effort is a key to our success in Iraq.

And that is why, Mr. Speaker, I support this rule because of the urgency. And I support the next rule and the underlying bill to fund our troops which will come up before this body tonight.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY.)

Mr. OBEY. Mr. Speaker, this is the largest supplemental appropriation bill ever voted on by the Congress of the United States. And I think that it is a shame that it is being debated under these circumstances at this time of night. The only reason for the martial law rule is so that Members will not be given the courtesy of having this bill lay over one day so that they can examine what the details of the bill are.

□ 2100

We are going to be held accountable for this vote for a long time. Our constituents are going to ask us every time we are home how we voted, what it contained. They are going to be asking us about the loans. They will be asking us whether or not there is adequate protection for taxpayers' money. And I venture to say that 90 percent of the Members of this Congress have not had an opportunity to dig deeply enough into this in order to be able to answer these questions.

There were a few of us on the conference committee, and so we have been able to form our judgments. But I have to tell you that conference committee in which we participated the last 2 days is one of the most chaotic, and at some moments the most laughable, conference that I have ever participated in. And I think that in terms of the details of this bill, that will be demonstrated over time, because over time, regardless of whether or not the average Member in this House knows what is in this bill tonight, over time there will be a lot of good reporters who dig deeply enough into it to discover what is in this bill. They will be able to form a judgment about whether or not, for instance, the Inspector General provision is something with teeth or something that is nothing short of a sham.

I happen to think that there are loopholes in the Inspector General provision of this bill big enough to drive a 65-foot truck through.

I also would point out that that provision was adopted as a way to sandbag the GAO accounting procedures that Senator BYRD wanted attached in the conference. So I think there are a lot of detailed questions that Members ought to know the answers to. They will not by the time they vote, and that is the purpose of this rule. Our constituents will learn over time what is in this bill even if a lot of Members have not learned tonight, and that is why if I were a Member who feels any responsibility at all to my constituents, I would not vote for this martial law rule regardless of how you vote on the final bill.

The Members owe it to the country to have taken the time to review this. This proposal will provide per capita aid to the citizens of Iraq that is more than 10 times as large as the per capita aid that was provided during the Marshall Plan to all of Western Europe. Under those circumstances, we ought to take a bit more time than this rule will allow us to take tonight.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, the Iraq supplemental conference report will continue a failed policy. This bill is not about supporting the troops. This bill supports the continued occupation of Iraq by the United States. If we truly want to support the troops, we should bring them home.

We need to acknowledge that the continued U.S. presence in Iraq is counterproductive. Every day that we are inside Iraq the situation gets progressively worse as evidenced by the frequent and more sophisticated attacks on our troops. More U.S. troops have died occupying Iraq than died in the war for Iraq. We need to recognize that at this point continuing the U.S. occupation is counterproductive and contributes to instability. That is why we need to get the U.S. out and the U.N. in. And to do that we will need a new resolution articulating a new policy from this administration.

To approve a budget-busting $87 billion for the reconstruction of Iraq would be to throw good money after bad, to throw good money at a failed policy. I am not suggesting that we cut and run. But we must begin the process of getting the U.N. in and the U.S. out. The U.S. must pay for the rebuilding of all that we have damaged in the invasion. We must compensate the Iraqi victims and contributed to future U.N. efforts. The U.S. must bring our troops home. End the occupation of Iraq.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, we all want to vote to support the troops. This bill, however, contains provisions for $18 billion as gifts, and none as loans, to Iraq. We ought to have a separate vote on that provision. But what they have done is link the two provisions in this rule, so that you cannot oppose the way they have structured the aid to Iraq without, in the view of some, ''voting against the troops.'' But that diabolical connection was insufficient, so they added one more; and while homes are burning by the hundreds in California, they decide to load into this bill additional money for FEMA: $500 million for FEMA at a time when FEMA needs the money. It is outrageous to try to take a bad policy towards aid to Iraq and use it as a pass on our natural concern for the thousands who have lost their homes in California.

This is a martial law rule. So as the gentleman has pointed out, we do not get a chance to read the bill and understand it before we vote on it. Forty-seven Republicans voted for my amendment (on October 16), along with all Democrats, to say that we have to have competitive bidding on all the oil contracts in Iraq. As far as I know, that has been stripped out of this bill so we will not have competitive bidding. The 47 Republicans, who along with Democrats, realized we could not trust this administration with no-bid contracts will not be able to have that provision in the bill—or maybe they will because we are still looking—because it is martial law, which means do not read the bill, just vote on it.

Finally and most importantly, we just had a donors conference. The vast majority of donors gave the vast majority of their aid in the form of loans. We will not put in a single penny as loans. Why do the American taxpayers not get paid back? Because these other people need to be paid back; $116 billion of Saddam Hussein's debts are all on Iraq's balance sheet. They should be renounced, but instead they will be paid, and we will not.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. Speaker, I rise in reluctant opposition to this martial rule. I do not understand why we cannot follow regular process around here to give this body a chance to actually look at the supplemental, $87 billion, the largest in our Nation's history, so we know the details that are contained in it.

Just a couple of weeks ago, I had the opportunity to visit Iraq and visit our troops in the field. They are doing an incredible job under very difficult and dangerous circumstances. And, of course, this body is going to do everything we can to make sure they have the tools and the resources they need so they can do their mission safely and return home soon. But this process is out of order, and we are derelict in our duty in regard to the accountability to the American taxpayer.

We do need accountability, and that is why earlier the gentleman from Maryland (Mr. CARDIN) and I offered an amendment with this bill that would have slashed the reconstruction funds in half, requiring the administration to come back to account for how the money is being used and to justify the need for more.

Instead, we are giving them $20 billion when the World Bank just released a report indicating that Iraq cannot absorb more than $6 billion in the next year anyway for reconstruction.

But I am also concerned that these conference committees are becoming the black hole of the democratic process. The will of the House and the will of the Senate go in, but it never comes out. Specifically, in both the House and the Senate with wide bipartisan majorities, it was determined that we wanted to provide half the reconstruction funds in grants and the other half in loans, recognizing Iraq is sitting on the second largest oil reserve in the world, but also it would give us some bargaining position with the rest of the nations holding debt over Iraq to hopefully get them to forgive the debt. But any loan in this has been vanished in the conference committee; and, instead, the administration wants to just gift outright the $20 billion, requiring our children and grandchildren to pick up the tab for many years to come.

We want to do right in Iraq. We do not have the luxury of cutting and running. We must succeed, but this process is not the way to do it.

Mr. FROST. Mr. Speaker, I yield 4½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member of the Committee on Rules.

Mr. Speaker, I had hoped that with such a serious step being made by this body that we would have an opportunity to give Members the time to deliberate over, as what you have heard my colleagues say is the largest supplemental in the history of this Congress.

I hope that my colleagues can understand the context in which we speak. That means that World War I, World War II, Korea, Vietnam, Kosovo, Bosnia, Somalia and other places, this is the largest amount, in essence, this is a blank check to the administration. And on top of this, Mr. Speaker, the American people do not feel any safer after the war in Iraq with respect to the war against terrorism.

Right now, as my colleagues know, it seems as if we are facing an enormous apocalypse, if you will, on the west coast and my sympathies go to those families and those who have lost their lives.

I believe this Congress wants to do the right thing and would stand up and debate the question of the resources that we need to be able to deliver to our friends in California. But in the dark of night we now have this martial rule where we understand that FEMA has been increasing its funding somewhere cushioned inside this $87 billion so that Members will feel hamstrung, if you will, to vote for something that is reckless and irresponsible.

First of all, let me say that, being the largest one, it does not make sense. In the Madrid donor conference, $13 billion was given; but there were thousands, or at least thousands or let me say a large number, of countries that were there and all we got was $13 billion to aid us in Iraq; and most of that, Mr. Speaker, was in loans.

It is interesting that the administration could not even decipher for Members of Congress how much were loans and how much were not. Then we find embedded in the provisions of this supplemental a weak Inspector General provision which is necessary in order not to give anyone a blank check.

The three branches of government are just that by the Founding Fathers. Congress provides oversight to the administration and to the executive. It is a tragedy that we went to war without a constitutional vote under section 1, article 8. It is a tragedy as well that we continue to lose lives in Iraq and that the statement by the administration says simply, It is to be expected. I do not think we expect 40 deaths in 48 hours.

I have spoken to those troops who are bravely on the front lines and, Mr. Speaker, they get it. They know our dissent is not against them. They fully understand that we want them home. We do not want to run. We want a real

democracy in Iraq, but we also want them to have the resources that they need to have when they come home from Iraq such as veterans care, hospital care, such as educational opportunities.

I see my colleague on the floor of the House, the gentlewoman from California (Ms. WATSON), who has been a leader on this issue. We want people like Shoshanna Johnson to be able to come and get the right kind of benefits that they deserve having suffered as a POW. But yet with this midnight rule, the martial rule, what we are facing are questions left unanswered. Why can the United Nations not participate in the aftermath and more of our allies be in place? Why have we not answered the question of where are the weapons of mass destruction? And why have we not answered the question of who did provide the leak of the CIA agent and why is there not a special counsel being appointed?

Let me simply say that as we go into the dark night with a martial rule, we have a Bush economic record where long-term unemployment has tripled, and we have a Bush economic record where the median household income has gone down $1,439; as well, jobs, long-term unemployment has tripled from .66 to 2.10.

Mr. Speaker, I am not prepared to vote in the dark on something that is as serious as this on behalf of the American people. I support the troops. I want them to be paid on time.

□ 2115

I want them to have body armor. I want them to be able to come home safely. I want a democracy in Iraq, but I am not prepared to support a reckless expenditure of money.

My final point, we are already going to spend $178 billion in the effort in Iraq. If we stay there over a 10-year period and the operations and the aftermath, we are going to be spending between $237 billion, and it could reach $418 billion, as analyzed by our colleagues. This is a reckless decision.

I ask my colleagues to defeat the martial law and defeat the rule and defeat the appropriations.

Mr. FROST. Mr. Speaker, I would ask the gentleman if he has any additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, we have no additional speakers.

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

At this point I am prepared to yield back the balance of my time. Before I do so, I urge my colleagues to vote no on martial law, no matter how they may vote on the supplemental, and I personally intend to vote in favor of the supplemental, but I am objecting to this procedure under which it is brought to the floor tonight.

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

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

The previous question was ordered.

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

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

Mr. 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.

This vote will be followed by two 5-minute votes on motions to instruct conferees on H.R. 1 and on H.R. 6 postponed from yesterday.

The vote was taken by electronic device, and there were—yeas 217, nays 197, not voting 20, as follows:

[Roll No. 597]

YEAS—217

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

NAYS—197

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

NOT VOTING—20

Akin
Ballance
Blumenauer
Boehlert
Bradley (NH)
Case
Doolittle
Fletcher
Gephardt
Goss
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Stupak
Visclosky
Weldon (PA)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2137

Mr. KILDEE and Mr. DAVIS of Florida changed their vote from ''yea'' to ''nay.''

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 6.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 182, nays 232, not voting 20, as follows:

[Roll No. 598]

YEAS—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gordon
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu

NAYS—232

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

NOT VOTING—20

Akin
Ballance
Blumenauer
Boehlert
Boucher
Bradley (NH)
Case
Doolittle
Fletcher
Gephardt
Goss
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Stupak
Visclosky
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2146

Mr. BERRY and Mr. KLECZKA changed their vote from ''yea'' to ''nay.''

Ms. MAJETTE changed her vote from ''nay'' to ''yea.''

Mr. BAIRD changed his vote from ''present'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore (Mr. OSE). The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida (Mr. DAVIS), on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 195, nays 217, not voting 22, as follows:

[Roll No. 599]

YEAS—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes

Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—217

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

NOT VOTING—22

Akin
Ballance
Blumenauer
Boehlert
Bradley (NH)
Brown-Waite, Ginny
Case
Doolittle
Fletcher
Gephardt
Goss
Gutierrez
Knollenberg
McCollum
McCotter
Miller (NC)
Pearce
Pryce (OH)
Sanchez, Linda T.
Stupak
Visclosky
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2152

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 424 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 424

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration is waived. The conference report shall be considered as read.

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 424 is a rule providing for the consideration of a conference report to accompany H.R. 3289, a bill making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for fiscal year 2004, and for other purposes. The rule waives all points of order against the conference report and its consideration. The rule also provides that the conference report shall be considered as read.

Mr. Speaker, I am pleased to report that in its particulars, the conference agreement is largely consistent with the House passed version of the supplemental. In the aggregate, the agreement provides a total of $87.5 billion, which is $500 million above the President's request. Of that sum, $18.6 billion is provided for Iraq relief and reconstruction, which is $1.7 billion below the President's request.

Mr. Speaker, now that the House and Senate conferees have reached agreement on this emergency supplemental, it is imperative that we move without delay to make these funds available both to our troops in the field and for the vitally important work of rebuilding Iraq.

Accordingly, I urge my colleagues to support both the rule and the conference report.

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, I rise today as a supporter of our efforts to replace Saddam Hussein's dangerous dictatorship with a stable and democratic Iraq. But I am deeply concerned that the Bush administration's stubborn refusal to be honest about Iraq has made the reconstruction process more difficult, more expensive and more dangerous.

Mr. Speaker, President Bush said it best earlier this week at a press conference in the Rose Garden. In talking about the United Nations, he said, ''Credibility comes when you say something is going to happen and then it does happen. You are not credible if you issue resolutions and then nothing happens.''

Well, that is exactly the situation President Bush has created for himself, a growing credibility gap that could threaten our ability to win the peace in Iraq.

Before the war, the Bush administration refused to prepare the American people for the costly and deadly reconstruction effort they are now witnessing. And whenever people like General Eric Shinseki let slip the truth, that it would be very expensive and require lots of troops, the administration publicly rebuked them, and then relieved them of duty.

On May 1 of this year, President Bush dressed up in a flight suit and had a pilot land him on an aircraft carrier so that he could declare victory in Iraq. Since then, nearly 120 American troops have been killed in action, more than before the President's May 1 victory speech, and nearly 1,200 have been wounded.

In recent days, however, the Bush administration has reached a new low in its well-documented PR campaign to spin Americans into believing that the bad news coming out of Iraq these days is actually good news.

On Tuesday, President Bush defended his May 1 ''victory'' pep rally by blaming the whole affair on the sailors of the USS *Abraham Lincoln,* as if he had somehow been the victim of the Navy's public relations stunt. That is not only an outrageous charge, especially coming from the man who runs the slickest White house PR machine ever, it is utterly unbelievable. After all, back in

May, the Bush White House bragged to reporters that the President himself helped devise the event, and the New York Times reported that his aides ''had choreographed every aspect of the event.''

Perhaps most disturbing, however, was the President's response to the series of sophisticated and deadly attacks against U.S. soldiers and our allies earlier this week. Sitting in the White House with Ambassador Bremer on Monday, President Bush tried to convince Americans that this was actually a sign of progress, that it proved how ''desperate'' these Iraqi insurgents have become.

This is what he told reporters who asked about the bombings, ''Again, I will repeat myself, that the more progress we make on the ground, the more desperate these killers become.''

□ 2200

That statement, Mr. Speaker, was literally incredible. When terrorists can coordinate multiple, separate attacks to kill 35 people and wound more than 230 people in just 45 minutes, it is a horrible tragedy, one that indicates a very real security problem on the ground in Iraq. And trying to spin it as good news simply undermines the President's credibility and harms our effort to win the peace in Iraq.

Mr. Speaker, President Bush's credibility problem is such a serious concern because America cannot afford to fail in Iraq. That is why so many people took notice earlier this week, when Senator JOHN MCCAIN, a Republican, who supports our efforts in Iraq and who knows as well as anyone the lessons of Vietnam, said, ''This is the first time that I have seen a parallel to Vietnam in terms of information that the administration is putting out versus the actual situation on the ground.'' It makes it harder to convince our allies around the world to shoulder some of the burden for rebuilding Iraq. That forces American taxpayers and American soldiers to bear the lion's share of the cost. And that makes it harder to maintain public support for this expensive and dangerous effort.

Mr. Speaker, that is why Democrats, and a few conscientious Republicans, have tried to force the Bush administration to account for the hundreds of billions of dollars it is spending in Iraq. And it is why we have tried to force the Bush administration to stop making American taxpayers pay the entire tab for this latest foreign aid package. After all, before war, the American people were told that Iraq was an oil-rich country that could fund its own reconstruction. Obviously, Iraq's proven oil reserves have not disappeared and America still has its own unmet priorities, like homeland security, education and health care. But now the Bush administration insists that Iraqi oil money can only be used to repay the debts that Saddam Hussein ran up to build his war machine and that U.S. taxpayers have to foot the bill for rebuilding Iraq. So Republican leaders have stripped out of this conference report the Senate's loan language.

Mr. Speaker, U.S. taxpayers are already struggling under the mountain of debt the Bush administration has run up. And there is no good reason to force U.S. taxpayers to pay for President Bush's failure to convince our allies to help. That is why majorities in both Houses of Congress voted in favor of turning about half of the reconstruction grants into loans. But sometimes, Mr. Speaker, it seems like President Bush does not understand how seriously his credibility on Iraq has been damaged. Unfortunately, as long as the Bush administration refuses to treat the American people with more respect, it will become increasingly difficult to achieve a goal we all share, winning the peace in Iraq.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), a valuable member of the Committee on Rules.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, there are moments in history where we know the decisions we are making will affect the world in the future. Today we stand at such a moment, charged with the enormous task of helping to rebuild Iraq. Our own history offers us guidance about how to best rebuild a wartime adversary.

After World War I, Germany was soundly defeated and the parties gathered in Versailles to negotiate the terms of surrender. The talks came to a question of who was responsible for the aftermath. Was Germany responsible? Should a country with a new government be burdened by the debts of a defeated regime? Should they be responsible for reconstruction or for reparations? We all realize how the reparations inflicted upon Germany at that time created an atmosphere of despair. We are also aware of how that atmosphere was exploited by the evil monster Adolf Hitler. Mr. Speaker, we know how that story ended in Germany, and it could end up that way in Iraq.

But after World War II, an alliance, once again scarred by battle, sat across from debt-heavy and defeated nations, and the alliance did not make the same mistake of 1918. The United States eventually formulated a systematic recovery program that became known as the Marshall Plan. The Marshall Plan was not entirely made up of U.S. aid. It also called upon the European nations to eventually contribute to their own recovery. Yet the first installment of $4 billion in aid required great political will. At that time, $4 billion represented 13 percent of the entire budget. That act of congressional courage helped to make Western Europe into a subcontinent of strong economies, strong democracies and, thus, strong allies.

It is my belief that this assistance may allow a free and democratic Iraq to become a beacon of hope in the Middle East. It will show the people of that region that democracy is possible, that the United States does not impose its will, only the ability for people to decide their own destiny.

That is why I applaud President Bush for setting the course of reconstruction in Iraq. Encouraging progress is already happening. Schools are opening. Electricity is turning on. New currency is being distributed. As the Iraqi people see continued progress in rebuilding, we help keep Americans safe at home. In a section of the world that has already imperiled too many lives, in a country whose previous savage regime caused too much suffering and too many deaths, we in Congress should be inspired by the lessons of our history to support an emerging Iraqi democracy with our wisdom, our experience, and our resources.

The vote we are about to cast will have enormous repercussions. If this assistance has the same effect that the Marshall Plan funding had in Western Europe, it will help toward the creation of a stable, democratic Iraqi government and a lifelong ally of the United States. It is with that hope, Mr. Speaker, that I will support this supplemental appropriation.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank the ranking member of the Committee on Rules for yielding me this time.

Mr. Speaker, tomorrow is Halloween and scary costumes are the order of the day. What is going to be the scariest costume of them all? The schoolteacher outfit with 60 children to teach? The small business suit with the bankruptcy notice? Or the elderly costume with its inadequate health care? Without a doubt, the desert camouflage uniform of the U.S. military is the scariest costume of all. Without flak jackets, traveling in nonarmored Humvees and without jammers to block incoming bombs, United States soldiers were sent to battle unprepared for the postwar hostilities they encountered and ill equipped to defend themselves. And all of us have a responsibility to all of them. But they are living a nightmare.

This is the consequence of rushing to war. Congress has been begging the administration for a comprehensive plan to stabilize Iraq and an exit strategy to bring our troops home. There has been no response. Instead, President Bush has presented us a bill that we are voting on soon demanding $87 billion, having not accounted in full for the $66 billion that was granted previously. The billions of dollars in this supplemental are not intended to get us out of Iraq. They are intended, in some respects, to keep us there, perhaps indefinitely.

Realize what $87 billion could buy. To get some perspective here or some real-life comparisons about $87 billion and

how it could benefit the American taxpayer:

$87 billion is more than the combined total of all State budget deficits in the United States. $87 billion is approximately the total of 2 years' worth of all U.S. unemployment benefits. $87 billion is more than double the total amount the government spends on homeland security. $87 billion is 87 times the amount the Federal Government spends on after-school programs.

The priorities of the President were those that in many respects were stripped out; but to add further insult to financial injury, billions of taxpayer dollars have been spent already on no-bid contracts for major U.S. corporations. In yet another tall tale from the administration, we were told that the funds for rebuilding Iraq must be in the form of grants to encourage other nations in the donor conference in Madrid the other day in rebuilding Iraq. Yet a total of $18 billion was pledged at the Madrid donors conference last week and $14 billion of that amount was in the form of loans. Therefore, there is no overarching reason for providing this money only in the form of grants.

It is fundamentally flawed logic to expect the American taxpayer to incur a debt for problems America has not created. We are not rebuilding an Iraq that we destroyed. We are rebuilding an infrastructure decimated by Iraq's former dictator. What we owe the Iraqi people is an opportunity for a democratic way of life, and it is not unreasonable to expect them to shoulder the cost. Freedom and democracy never come cheap. They are exorbitantly expensive in terms of money and sacrifice. The continuing propaganda from the White House regarding Iraq is distracting our attention from Afghanistan and other countries.

In my view, everyone should vote against this measure.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the conference report that this rule seeks to bring to the House floor. During House consideration of this bill, I pledged that I would not write the Bush administration a blank check of the taxpayers' money for the $18.6 billion in reconstruction funds for Iraq. I pledged not to write a blank check for a plan with no exit strategy, no clear link to this supplemental, and no details for after January of this coming year. I pledged not to hand over $18.6 billion of the taxpayers' money to build Iraq's electricity infrastructure when ours is not functioning here at home. I pledged not to sanction the use of American money to modernize Iraq's medical facilities and medical equipment when millions of Americans here at home are living without health care. And I pledged not to spend the American people's money to pay for that which we did not damage and that which did not previously exist in Iraq. I pledged not to send $18.6 billion in grants to a country that has the second largest oil reserves in the world, worth approximately $7 trillion. Why should Iraq not be expected to pay back this money? And I pledged not to add another $18.6 billion to this year's deficit, estimated already at over $480 billion.

Each of us in this Chamber has a responsibility to the American people to demand an Iraq package that will not bankrupt future generations. That is why the American people still support creating a loan package for Iraq, not a grant. Iraq can and should pay back the money for reconstruction with their future oil reserves. Period. Evidently, I reached the same conclusion many of the nations and organizations at the Madrid donors conference reached themselves. That conference only produced $4 billion in grants and roughly $13 billion in loans and trade credits, that amount toward a total estimated Iraqi need of $56 billion over the next 4 years. So, Mr. Speaker, this is not the last time that we will see moneys being brought by the administration for Iraq. And why should the American taxpayer not be paid back if the taxpayer in other countries, countries that did not support this effort, will be paid back?

The consequence of this grant approach is that the American taxpayer will pay more than he or she should, will pay more for Halliburton to make more. The President's suggestion that bombings in Iraq are a result of our success is outrageous. The bombings are a failure of our postintervention planning, not a symbol of success. And though I strongly support our American servicemembers and the money that is going to them in this bill, made much better because of Democratic efforts, I cannot in good conscience support this legislation.

I urge my colleagues to vote against the conference report.

□ 2215

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

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I stand here outraged because I am asked to vote for a bill that would give $87 billion as a grant to a country that has billions of barrels of oil buried underground in reserve. At the same time, we have cut veterans services. I am outraged.

I am hurt, because our POW Shoshanna Johnson, the first African American female ever to be a prisoner of war, was disregarded and given 30 percent disability benefit. Oh, yes, Jessica Lynch got 80 percent.

We should be ashamed. This young woman spent 22 days as a captive. She told me that twice a week they would bring her a little bowl of water to wash with. She is going to leave the Service, and what does she have to look forward to? She was shot through both of her ankles, and they are only going to award her 30 percent disability.

Is that the way we treat our service personnel as veterans? Is that why we said to them, go into the Service, be all that you can be? We sent them over there in harm's way, and they served us well. And now they are coming home, and we are not serving them well, we are not serving her well. But we can give a country thousands of miles away our hard-earned tax dollars. There is something incredibly wrong with that.

I do not care what you snuck into the bill at the eleventh hour. I understand the money for California's fires, how cynical, is in this bill. You ought to be ashamed of yourselves.

So I am voting no. My veterans know I support them, my military people know I support them. I have been over to Walter Reed, I have let them see my face and know my support. So I do not have to play a game and vote for this bill, when we have problems right here in our own country.

We had an incident in Cannon, it was a failed system, because none of us were notified as to what was going on over there.

I just want to say to my colleagues, let us be truthful and let us be trustworthy, and let us treat the people of America right, and particularly those that we sent into harm's way, by choice. We were not attacked by Iraq. We chose to invade Iraq. Now, we are trying to rebuild a country at the expense of our own domestic needs.

I cannot do it, and I hope you will not do it. Let us honor America. Let us honor our own fighting forces. Let us take that money and put it to their welfare after they leave that country and go home. Let us welcome them in an American way, and treat them fairly. Let us vote no on this rule.

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

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I rise as one who voted for this supplemental last week because of our troops. Our troops need this help. We made the decision to send them into harm's way. They need the bulletproof vests to save their lives. That is in this request. They need the hydration systems to purify their water, so many of them are having dysentery from the water over there not being purified. There is so much, so we cannot turn our backs on our troops.

But we have a dilemma. The American people have a dilemma. The American people are asking some questions of this administration and each and

every one of us up here, Democrat and Republican, and that is this question: Where is the accountability for this money, these funds, to build Iraq?

I wish we could have set aside, and I worked hard to see if we could, the money for our troops, the $67 billion, because that is another question. I do not think there is anybody in this House that would not vote to help our troops. But this House is in a convoluted state, just like this whole country is in a convoluted state, because there is a lack of accountability on this administration and this President for the monies that go to rebuild Iraq.

There are serious questions. If we do not raise those questions, if we do not answer those questions, it is not going to be so easy to come back and get money the next time, because the American people, I am here to tell you, have had it about up to here.

We are working with a country over there that is sitting on the world's second largest oil reserves, which arguably could be one of the richest countries in the world, and yet in this administration and in this supplemental there is not one timetable, there is not one direct amount of money that is going to get the oil wells producing, to get the oil production up and running at capacity. That should be the first business. Where is the money for that?

Why is there a cloud over the handling of this noncompetitive business? The American people are asking these questions. Halliburton and Bechtel, two companies, fine companies though they may be, but should they have nonbidding rights to get the taxpayers' money?

The American people are asking these questions. We owe it to them to ask these questions and get some answers. We have got to do it together, not as Democrats and Republicans, but together. We as a body must ask this administration to give the American people the accountability and the transparency on where this $20 billion is going and how it is going to be spent, or else we all will lose our credibility, and that is something we must not do. The American people are counting on us to ask the questions of this administration on this money and get the answers.

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

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

Mr. Speaker, as I have mentioned previously, I have been a supporter of our action against Iraq, I voted for the supplemental, and I will vote for this conference report. I will tell you that there are serious questions that have been raised by Members on this side of the aisle, and even some Members on the other side of the aisle, particularly on the issue of whether all of this money, all of this $20 billion, should be a grant, or whether at least a portion of it should be a loan.

These are serious questions. The House went on record and the Senate went on record in favor of some of this money being a loan, but, unfortunately, the conference committee did not see the wisdom in taking that position.

Members have indicated and have served notice, and I believe Members on the other side of the aisle should listen carefully, Members have served notice that it will be much more difficult for the administration next time they come to this body seeking more funds for reconstruction.

Members have been willing to give the administration the benefit of the doubt, even though they have very serious reservations, but I would hope that this administration and the Members on the other side of the aisle, before they return to this Congress asking for additional billions of dollars, will take a long and hard look at this issue of loans versus grants and take a long and hard look at the opinions of the American people who are very concerned about unmet needs here in the United States.

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I did not intend to speak on this. In listening and thinking this through, I feel compelled to take the well.

I am one of the few on this side of the aisle that voted with President Bush the first time, as well as this President Bush, because I thought it was important, the right thing to do, that those of us who have said ''never again'' to tyrants must protect not just ourselves, but other people as well, and step up to the plate, and that it would be sinful not to do what we have to do in ridding the world of a tyrant. I am not sorry that I participated in that, because, indeed, it was the right thing to do, and remains so.

But things have happened and things have changed as we watch what has evolved, as we watch an administration that ran for office and continually talked about bringing morality back to government and taking personal responsibility, and suddenly seeing the evolving of what has happened here, which is truly mind-boggling.

Personal responsibility. Who knew what in the White House and when? Personal responsibility. Things starting to go wrong.

Where is the plan? Those of us who supported the action always said we were going to win the war. There was no doubt about it. You could not find an oddsmaker in Las Vegas to say that Saddam Hussein was going to win the war. The day, the amount of time, the casualties, that was always a question.

But the question that we pressed in the Committee on International Relations was, can you win the peace? What we have here is a Secretary of War who has now become the Secretary of Peace, and he does not know how to do it.

The President stood here in this House and said to us Members of both bodies assembled, ''British intelligence tells us this.'' I think it is what Nixon called ''plausible deniability.''

I never heard a President say someone else's intelligence told us this. He was warned. He was warned by the CIA Director that that intelligence was wrong. Blame the British. Blame the CIA Director. Blame the brave men in the Navy on the *Abraham Lincoln*.

What happened to personal responsibility? Where is the plan? We have been deceived; we have been lied to, we in the Congress and the American people as well, and that is intolerable. People took the oath of office to tell the truth. Where is the truth?

Indeed, this is a dilemma. We have so many American lives on the line in that country, but the President owes us a plan. A company declares bankruptcy for a half a million dollars, they have to have a plan. For $87 billion, there should be a plan. What is the plan? Nobody knows the plan.

''Trust us.'' Well, I have run out of trust in this administration. I do not mind that the emperor has no clothes; I mind that the emperor does not have a plan, because lives are at stake.

We want to protect our troops. Bring back a bill that would protect the troops. We are not going to leave them hanging out there. But to spend $87 billion, and nobody knows how, nobody knows why, nobody knows where, nobody knows when, is something that is absolutely unconscionable, and something in which I can no longer participate.

I will be voting no.

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

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

Mr. Speaker, I urge my colleagues to vote for this rule so we can get on to fund the very important operation that we have in the Mideast. I just remind my colleagues that more than 75 percent of this bill goes to make sure that our troops are secure in this theater.

□ 2230

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying H.R. 3289 and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 424, I call up the conference report 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, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 424, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

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

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

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

Mr. Speaker, this is the conference report on the supplemental to pay for our military forces, equipment, their salaries, and their medical care. A speaker who just left the well a few minutes ago said that nobody knows where the money is going, and I want to tell my colleagues that we do know where it is going. It is going to take me a little bit more time than I had anticipated using, but let me tell my colleagues this: $65 billion of this money goes to the American troops, the American forces in Afghanistan and in Iraq. I will take the time to provide details of that funding:

Military personnel expenses: $17,800,000; The operation and maintenance for our services involved in Iraq and Afghanistan, $39,231,000; for procurement for the Army, for missiles, and WTCV for the Army, other procurement Army, aircraft procurement Army and Navy, other procurement Navy, procurement for the Marine Corps, Air Force procurement defense-wide $5,534,000. These pages that I will provide for the record are full of details on spending in this bill. And for someone to stand here and say no one knows where the money is going, is just not accurate. I really do not mind the political comments that are made here, but do not distort the facts.

We know where this money is going. Do we know where every penny is going? No. And for some of the programs that my colleagues support, we do not know where all that money is going, either. But we do the best we can. We know this money is going for our troops. In fact, all of this money is going for our troops.

Why did I say that? Because clearly $20 billion is for construction and recovery in Afghanistan and Iraq. But our troops are there. And this House overwhelmingly voted to send them there, and so did the other body. And so they are there. And they are not coming home until they have created a secure Afghanistan and a secure Iraq.

Now, another speaker said, it is not working. The heck it is not. You talk to anybody who has gone from this Congress to Iraq and they will tell you that it is working. Is it working overnight? No. Of course not. It took 30 years for Saddam Hussein to destroy the lifestyle of people in Iraq. And our President decided to fix that. He was tired of Iraq threatening his neighbors. He was tired of Iraq supporting terrorists. And we voted to support him. Our troops are going to come home after we have been able to help the Iraqis create their own government and create their own security forces, so that they can have some quality of life in Iraq.

So this money is going for our troops, and $65 billion of it is going directly to our troops.

There are other things in this bill. We had a good conference with the Senate. It took us a couple of days after pre-working this conference for a couple of weeks, and we have done some good things in this bill.

Remember the outrage that we all expressed when we found out that soldiers, wounded in battle, in a military hospital, were charged $8.10 a day for the food that they consumed while in the hospital? This bill fixed that. We had fixed it temporarily in an appropriations bill. This bill fixes it permanently. And it not only fixes it permanently, but it makes it retroactive, so anybody who was billed for their food while recovering from battle wounds will get their money back if they paid those charges. This bill does that.

We provide additional benefits for our National Guardsmen and our Reservists who are serving in our Nation's military in Iraq and Afghanistan.

Mr. Speaker, it has been said that there is no exit strategy, and that there is no plan. The fact is, there is an exit strategy, and that is to stabilize Iraq and Afghanistan so that our troops can exit and exit safely, and so that the people of Iraq can have a quality of life. They did not have a quality of life prior to the United States liberating that nation from the tentacles of Saddam Hussein, who had destroyed millions of his own people in one way or another, who had gone to war with his neighbor in Iran, who has invaded Kuwait, and who threatened Saudi Arabia. This was a bad guy.

I had the opportunity at the request of the Administration to attend the donors conference in Madrid last week, and I listened to speakers from many countries saying how bad Saddam Hussein was and how important it was to liberate the people of Iraq. They did not give the United States any credit for having made this happen, but at least they acknowledged that it had to happen, and that the United States, led by the President of the United States, George Bush, had the courage and the gumption to do something about it. I think we will find in the long range that this is going to be beneficial to the world. And this House obviously believed that, because we voted overwhelmingly to send those forces to Afghanistan and to Iraq.

Mr. Speaker, there are a lot of other things that I want to bring to the discussion this evening; but at this point I am going to reserve the balance of my time, and then we will have our exchanges and then have a final vote here very shortly.

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN (H.R. 3289)
(Amounts in thousands)

	FY 2004 Request	House	Senate	Conference	Conference vs. Request
TITLE I - NATIONAL SECURITY					
CHAPTER 1					
DEPARTMENT OF DEFENSE					
Military Personnel					
Military Personnel, Army (emergency)	12,858,870	12,188,870	12,858,870	12,858,870	---
Military Personnel, Navy (emergency)	816,100	816,100	816,100	816,100	---
Military Personnel, Marine Corps (emergency)	753,190	753,190	753,190	753,190	---
Military Personnel, Air Force (emergency)	3,384,700	3,384,700	3,384,700	3,384,700	---
Total, Military Personnel	17,812,860	17,142,860	17,812,860	17,812,860	---
Operation and Maintenance					
Operation and Maintenance, Army (emergency)	24,190,464	24,257,664	---	23,997,064	-193,400
(Contingent emergency appropriations)	---	---	24,946,464	---	---
Operation and Maintenance, Navy (emergency)	2,106,258	1,934,058	1,976,258	1,956,258	-150,000
(Transfer out) (emergency)	(-80,000)	(-80,000)	(-80,000)	(-80,000)	---
Coast Guard Operations (by transfer) (emergency)	(80,000)	(80,000)	(80,000)	(-80,000)	(-160,000)
Operation and Maintenance, Marine Corps (emergency)	1,198,981	1,198,981	1,198,981	1,198,981	---
Operation and Maintenance, Air Force (emergency)	5,948,368	5,598,368	5,516,368	5,416,368	-532,000
Operation and Maintenance, Defense-Wide (emergency)	4,618,452	4,485,452	4,218,452	4,355,452	-263,000
Operation and Maintenance, Marine Corps Reserve (emergency)	16,000	16,000	16,000	16,000	---
Operation and Maintenance, Air Force Reserve (emergency)	53,000	53,000	53,000	53,000	---
Operation and Maintenance, Air National Guard (emergency)	214,000	214,000	214,000	214,000	---
Overseas Humanitarian, Disaster, and Civic Aid (emergency)	35,500	35,500	35,500	35,500	---
Iraq Freedom Fund (emergency)	1,988,600	2,086,600	1,988,600	1,988,600	---
(Transfer out) (emergency)	---	---	(-4,000)	---	---
Inspector General (by transfer) (emergency)	---	---	(4,000)	---	---
Total, Operation and Maintenance	40,369,623	39,879,623	40,163,623	39,231,223	-1,138,400
Procurement					
Missile Procurement, Army (emergency)	6,200	---	6,200	---	-6,200
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	46,000	101,600	---	101,600	+55,600
(Contingent emergency appropriations)	---	---	104,000	---	---
Other Procurement, Army (emergency)	930,687	1,250,287	---	1,143,687	+213,000
(Contingent emergency appropriations)	---	---	1,078,687	---	---
Aircraft Procurement, Navy (emergency)	128,600	158,600	128,600	158,600	+30,000
Other Procurement, Navy (emergency)	76,357	76,357	76,357	76,357	---
Procurement, Marine Corps (emergency)	123,397	123,397	123,397	123,397	---
Aircraft Procurement, Air Force (emergency)	40,972	53,972	40,972	53,972	+13,000
Missile Procurement, Air Force (emergency)	20,450	20,450	20,450	20,450	---
Other Procurement, Air Force (emergency)	3,441,006	3,418,006	3,441,006	3,438,006	-3,000
Procurement, Defense-Wide (emergency)	435,635	418,635	435,635	418,635	-17,000
Total, Procurement	5,249,304	5,621,304	5,455,304	5,534,704	+285,400
Research, Development, Test and Evaluation					
Research, Development, Test and Evaluation, Navy (emergency)	34,000	34,000	34,000	34,000	---
Research, Development, Test and Evaluation, Air Force (emergency)	39,070	39,070	39,070	39,070	---
Research, Development, Test and Evaluation, Defense-Wide (emergency)	265,817	195,817	265,817	260,817	-5,000
Total, Research, Development, Test and Evaluation	338,887	268,887	338,887	333,887	-5,000

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN (H.R. 3289)
(Amounts in thousands)

	FY 2004 Request	House	Senate	Conference	Conference vs. Request
Revolving and Management Funds					
Defense Working Capital Funds (emergency)	600,000	600,000	600,000	600,000	---
National Defense Sealift Fund (emergency)	24,000	24,000	24,000	24,000	---
Total, Revolving and Management Funds	624,000	624,000	624,000	624,000	---
Other Department of Defense Programs					
Defense Health Program (emergency)	658,380	658,380	658,380	658,380	---
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	73,000	73,000	73,000	73,000	---
Total, Other Department of Defense Programs	731,380	731,380	731,380	731,380	---
Related Agencies					
Intelligence Community Management Account (emergency)	21,500	21,500	21,500	21,500	---
Transfer to Department of Energy	(3,000)	(3,000)	(3,000)	(3,000)	---
Transfer to Department of Justice	(15,500)	(15,500)	(15,500)	(15,500)	---
GENERAL PROVISIONS					
Transfer Authority (sec. 1101) (emergency)	(5,000,000)	(3,000,000)	(5,000,000)	(3,000,000)	(-2,000,000)
Storm Damage (sec. 1109) (emergency)	---	413,300	---	313,000	+313,000
Munitions security and destruction (sec. 1121) (emergency)	---	---	---	100,000	+100,000
Total, Chapter 1	65,147,554	64,702,854	65,147,554	64,702,554	-445,000
Emergency appropriations	(65,147,554)	(64,702,854)	(39,018,403)	(64,702,554)	(-445,000)
Contingent emergency appropriations	---	---	(26,129,151)	---	---
CHAPTER 2					
DEPARTMENT OF HOMELAND SECURITY					
United States Coast Guard					
Operating expenses (emergency)	---	23,183	---	23,183	+23,183
Emergency Preparedness and Response					
Disaster Relief (emergency)	---	---	---	500,000	+500,000
Total, Chapter 2	---	23,183	---	523,183	+523,183
CHAPTER 3					
MILITARY CONSTRUCTION					
Military construction, Army (emergency)	119,900	185,100	119,900	162,100	+42,200
Militay construction, Navy (emergency)	---	45,530	---	45,530	+45,530
Military construction, Air Force (emergency)	292,550	292,550	292,550	292,550	---
Family housing operations and maintenance, Army (emergency)	---	8,151	---	11,420	+11,420
Family housing operation and maintenance, Navy and Marine Corps (emergency)	---	6,280	---	6,280	+6,280
Family housing operation and maintenance, Air Force (emergency)	---	6,981	---	6,981	+6,981
Total, Chapter 3	412,450	544,592	412,450	524,861	+112,411
Total, TITLE I	65,560,004	65,270,629	65,560,004	65,750,598	+190,594
Emergency appropriations	(65,560,004)	(65,270,629)	(39,430,853)	(65,750,598)	(+190,594)
Contingent emergency appropriations	---	---	(26,129,151)	---	---
TITLE II - IRAQ AND AFGHANISTAN RECONSTRUCTION AND INTERNATIONAL ASSISTANCE					
CHAPTER 1					
DEPARTMENT OF JUSTICE					
General Legal Activities (emergency)	---	15,000	---	15,000	+15,000

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN (H.R. 3289)
(Amounts in thousands)

	FY 2004 Request	House	Senate	Conference	Conference vs. Request
DEPARTMENT OF STATE AND RELATED AGENCY					
Administration of Foreign Affairs					
Diplomatic and Consular programs (emergency)	40,500	156,300	35,800	156,300	+115,800
Reappropriation	35,800	---	---	---	-35,800
Rescission (emergency)	---	-35,800	-35,800	-35,800	-35,800
Embassy Security, Construction and Maintenance (emergency)	60,500	43,900	---	43,900	-16,600
Emergencies in the Diplomatic and Consular service (emergency)	50,000	50,000	---	115,500	+65,500
(Contingent emergency appropriations)	---	---	90,500	---	---
Total, Administration of Foreign Affairs	186,800	214,400	90,500	279,900	+93,100
International Organizations					
Contributions for International Peacekeeping Activities (emergency)	---	245,000	---	245,000	+245,000
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations (emergency)	---	40,000	---	40,000	+40,000
Total, Chapter 1	186,800	514,400	90,500	579,900	+393,100
Emergency appropriations	(186,800)	(550,200)	(35,800)	(615,700)	(+428,900)
Contingent emergency appropriations	---	---	(90,500)	---	---
Emergency rescissions	---	(-35,800)	(-35,800)	(-35,800)	(-35,800)
CHAPTER 2					
BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
United States Agency for International Development					
Operating expenses of the United States Agency for International Development (emergency)	40,000	40,000	40,000	40,000	---
(Transfer out) (emergency)	---	---	(-4,000)	(-1,900)	(-1,900)
U.S AID Office of Inspector General (by transfer) (emergency)	---	---	(4,000)	(1,900)	(+1,900)
Capital Investment Fund					
Capital Investment Fund (contingent emergency appropriations)	---	---	60,500	16,600	+16,600
OTHER BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
Iraq relief and reconstruction fund (emergency)	20,304,000	18,649,000	18,449,000	18,649,000	-1,655,000
(Transfer out) (emergency)	---	---	(100,000)	(210,000)	(+210,000)
Operating Expenses of the Coalition Provisional Authority (emergency)	---	858,000	---	983,000	+983,000
Economic support fund (emergency)	422,000	872,000	422,000	872,000	+450,000
(by transfer) (emergency)	---	---	---	(100,000)	(+100,000)
International disaster and famine assistance (emergency)	---	100,000	---	110,000	+110,000
(by transfer) (emergency)	---	---	---	(110,000)	(+110,000)
United States Emergency Fund for Complex Foreign Crises (emergency)	100,000	---	100,000	---	-100,000
(By transfer) (emergency)	---	---	(100,000)	---	---
DEPARTMENT OF STATE					
International narcotics control and law enforcement (emergency)	120,000	170,000	120,000	170,000	+50,000
Nonproliferation, antiterrorism, demining and related programs (emergency)	35,000	35,000	35,000	35,000	---

FY 2004 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN (H.R. 3289)
(Amounts in thousands)

	FY 2004 Request	House	Senate	Conference	Conference vs. Request
MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
Foreign Military Financing Program (emergency)	222,000	297,000	222,000	287,000	+65,000
Peacekeeping operations (emergency)	50,000	50,000	50,000	50,000	---
Total, Chapter 2	21,293,000	21,071,000	19,498,500	21,212,600	-80,400
Emergency appropriations	(21,293,000)	(21,071,000)	(19,438,000)	(21,196,000)	(-97,000)
Contingent emergency appropriations	---	---	(60,500)	(16,600)	(+16,600)
(By transfer) (emergency)	---	---	(104,000)	(211,900)	(+211,900)
Total, TITLE II	21,479,800	21,585,400	19,589,000	21,792,500	+312,700
Emergency appropriations	(21,479,800)	(21,621,200)	(19,473,800)	(21,811,700)	(+331,900)
Contingent emergency appropriations	---	---	(151,000)	(16,600)	(+16,600)
Emergency rescissions	---	(-35,800)	(-35,800)	(-35,800)	(-35,800)
(By transfer) (emergency)	---	---	(104,000)	(211,900)	(+211,900)
TITLE III					
CHAPTER 1					
DEPARTMENT OF VETERANS AFFAIRS					
Veteran Health Administration					
Medical care (emergency)	---	---	1,300,000	---	---
GRAND TOTAL (net)	87,039,804	86,856,029	86,449,004	87,543,098	+503,294
Emergency appropriations	(87,039,804)	(86,891,829)	(60,204,653)	(87,562,298)	(+522,494)
Contingent emergency appropriations	---	---	(26,280,151)	(16,600)	(+16,600)
Emergency rescissions	---	(-35,800)	(-35,800)	(-35,800)	(-35,800)
Transfer authority (emergency)	(5,000,000)	(3,000,000)	(5,000,000)	(3,000,000)	(-2,000,000)
(Transfer out) (emergency)	(-77,000)	(-77,000)	(15,000)	(131,100)	(+208,100)
(By transfer) (emergency)	(95,500)	(95,500)	(203,500)	(147,400)	(+51,900)

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the ranking Democrat on the Subcommittee on Defense.

Mr. MURTHA. Mr. Speaker, the first trip I took to Kuwait, it was right before the war started and the gentlewoman from California (Ms. PELOSI) had asked me to accompany her, because for her first foreign trip she wanted to go, even though she was not for the war resolution, she wanted to make sure that the troops understood she supported them wholeheartedly. The next trip I went on was to Iraq, and I found a number of shortages which a lot of people have talked about. But the shortages were not because the Committee on Appropriations did not put the money in; the shortages were because the bureaucrats back here saved the money for some other purpose. They did not want to spend this money. In the meantime, we had troops without inserts for their battle gear, we had troops without jammers, we had Bradleys without tracks, a lot of different problems. We called back from there, and we got the Defense Department moving. And this supplemental has every one of the shortages, the money for every one of the shortages in this bill.

I am pleased to say that we have the companies working 24 hours a day to make sure that the troops have the type of equipment they need to protect their lives. I am hopeful that the President shifts some of these intelligence people, because what I have always learned is intelligence is probably the most important element in fighting a war; shifts the intelligence people from trying to find these weapons of mass destruction to trying to protect our troops.

I get a lot of complaints from the Reserves. I hear all kinds of optimistic talk about this war. But let me say this. The Iraqis supposedly were for us when we went in. I see polls that say 60 percent of the people are for what we are doing.

Well, when they fire our PGs into our troops and they take their legs off; we went out to the hospital, a number of us have been out there, the chairman has been out there, his wife has been out there over and over again, and we see them with their legs blown off and their arms blown off, and then they disappear after they have been firing these weapons into the crowd, that means the Iraqis are not with us. I do not care what the polls show; they are not with us. Now, they may be with us in heart, but they are afraid to talk about it and when they are afraid to talk about it, we have to win the hearts and minds of the people. That is what this reconstruction money is all about.

We took care of the money for the troops, but if you do not get the electricity back, if you do not get the water running right, if you do not get the people who are unemployed; there is 60 percent unemployment, I just got a briefing yesterday and they told me there is still 60 percent unemployment. If we have 60 percent unemployment in this country, we are not going to be able to solve the problem.

So we have to get the Iraqis back to work, and the reconstruction money is as important as anything that we can do in order to help solve this problem. I said when I came back, we have to get Iraqis out in the field and we have to get the international community involved in this, and we have to energize Iraq. If we do not do that, we are going to lose this war.

I believe the key to winning this war is to win the hearts and minds of the people, and we have to overcome the X factor of the enemy. If we do not overcome the X factor of the enemy, we will lose this war. I think it is on the edge now. I am not as optimistic as a lot of people are. I know an awful lot of people who were optimistic initially are much more realistic than they used to be. But I tell my colleagues one thing, if we were to let this legislation not pass, we sure would not win this war.

So I would urge the Members of this House to vote for this $65 billion for the troops and the $20 billion for the reconstruction effort in order to get our troops back home as quickly as we can.

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the very distinguished gentleman from California (Mr. LEWIS), the chairman of our Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the gentleman yielding me this time.

Mr. Speaker, I must say, at the beginning of my remarks I want the House to know that I deeply appreciate the comments of my colleague, the gentleman from Pennsylvania (Mr. MURTHA), who is my partner on this subcommittee; and I also want to say to the House that I am rising this evening with no small amount of serious concern about the problems that are facing my constituents in my own district where literally the whole district is on fire. It is an incredible time.

But a few weeks ago, I had the opportunity to take perhaps the largest delegation that has traveled to Iraq since we have been involved there, a group of Members numbering some 17 of us, a fabulous cross-section of the House: Democrats and Republicans, liberals, conservatives, Members who had voted against the war, Members who supported the war. But we saw many things in a relatively short trip, but one thing was absolutely certain. We all became convinced that Saddam Hussein absolutely is one of the most outrageous tyrants of modern time, rivaling Hitler's Germany, certainly rivaling that which the Russian leadership was all about.

While we were there, we visited circumstances that reflect the worst of what this tyrant has done to his people, a people who have had no opportunity for freedom in their lifetime, a people who have been oppressed if they dared oppose him, and people who were killed in the tens and tens of thousands. Visiting the killing fields was an amazing experience where in one location, tens of thousands had been killed on that spot, and similar locations across the country. This person did not hesitate to wipe out huge portions of his own population, ranging between 500,000 and maybe 1.5 million people.

In turn, that delegation was amazed to see what had been done to the children of Iraq, suggesting that he was even willing to see that children were fed formula that was mixed with sewage water, caring nothing about the future of those children and those families.

So America is there to make a commitment to the future of these people in hopes that they really will experience freedom.

□ 2245

General Petraeus, who was one of the key commanders that we dealt with, said that the money that was most important to his success was that money that was going to reconstruction. That, the General told us, the security of his troops was very much connected to the sense that America was about creating new opportunities there and laying the foundation for freedom. And, indeed, he felt it deeply, that was the way to make sure that our people, our troops come home as soon as possible.

Let me just make one more point. That is there is no doubt that if we are successful in our efforts in Iraq, we are about to play a role in creating a model in the Middle East that could change the future of that entire region.

There is absolutely no question that this success could take us down a pathway that could lead to a new kind of peaceful opportunity, a new roadway in the entire region. I truly believe that we have a chance at this moment to make a difference about the entire future of the Middle East. And it is a Democrat and Republican effort. The gentleman from Pennsylvania (Mr. MURTHA) has been fundamental in helping me be successful in the military side of this, but both of us recognize just how important the reconstruction effort is as well.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member on the Committee on Appropriations, for yielding and for his leadership. I appreciate the Obey alternative that was not able to be offered but that he put forth. And I will speak to that in just a moment.

I rise in opposition to the supplemental. And, in doing so, I want to acknowledge the extraordinary commitment of our distinguished chairman to

our troops. For him it is a family matter. His wife has been, as all have said over and over, an angel to the young men and women that have come back from combat and are at the Bethesda Naval Medical Center and the Walter Reed Hospital. And all of us who have visited them salute their courage, their patriotism, the sacrifice they are willing to make for our country. I had the privilege of doing that on a number of occasions with the gentleman from Pennsylvania (Mr. MURTHA), as well as visiting the troops in Kuwait.

Mr. Speaker, it is not a question as to whether we support the troops. Of, course, we all do. So I thank you, Mr. Chairman, for your extraordinary commitment there, and, as well, the gentleman from Wisconsin (Mr. OBEY.) In fact, in the Obey substitute there was $4.6 billion more for the troops. Unfortunately, the rules prevented us from taking up the alternative simply because it was paid for. Funny rules, but there they are.

I commend the gentleman from California (Mr. LEWIS) for working with the gentleman from Pennsylvania (Mr. MURTHA), where we finally were able to get some of the equipment that the troops need to protect themselves as they fight this fight in Iraq. They are precious to us. Again, we salute them. But we cannot send them into battle unless they are adequately equipped.

May I offer my condolences and sympathy to the gentleman from California (Mr. LEWIS) for the losses in his district and that of many in our great State of California. I salute the firefighters who also are taking risks for us in our Golden State. Because, quite frankly, one of my dismays with the administration on their proposals are that with the $63 billion that we gave them last spring and the summer with a practically unanimous vote, it was not even an issue, of course, the money would be sent. When the President asked for the $87 billion, we later learned that the troops still did not have the kevlar lining in their vests, in their flak jackets, at least 44,000 of them did not. They still did not have jammers to prevent the improvised explosive devices from taking their lives. They still did not have the tracks for the Bradleys. They still did not have the spare parts for nearly half of their equipment.

The gentleman from Pennsylvania (Mr. MURTHA) visited there, raised a ruckus, but still they did not have it in the $63 billion package in the summer; they still do not have it, this the $87 billion request from the President. I thank the gentleman from Pennsylvania (Mr. MURTHA) for his extraordinary leadership on behalf of the troops. We salute them here on this floor; he works for them every day. And without his raising the ruckus, they still would not have it in this bill, but he and the gentleman from California (Mr. LEWIS) made that possible. And we are all in their debt, all of us who care about the troops. And I know that that includes every single person here.

As respectful as I am of our distinguished chairman, I beg to differ on the exit strategy. What he stated is something that we all share: A goal that we will successfully accomplish our mission in restoring stability to Iraq. We all agree that that must be done. That is a goal. It is an exit strategy. The administration did not have one, nor did they have a plan. That is a very sad thing. They did not have a plan for postwar Iraq.

Whatever one's view was going into the war, that is history. That was then. Now, we know we have to accomplish the mission, we have to support our troops, and we have to have them come home safely and hopefully soon.

General Zinni's words just resonate with me. They challenge the conscience of our country. General Zinni, retired Marine Corps General Anthony Zinni said, and I quote, ''America's men and women in uniform should never be put on the battlefield without a strategic plan not only for the fighting, our generals will take care of that, but for the aftermath and winning that war. Where are we, the American people, if we accept this level of sacrifice without that level of planning?''

So not only does the administration not have an exit strategy, they do not have a plan. The level of sacrifice has not been met with the level of planning. Because President Bush lacked an adequate plan for postwar Iraq, American soldiers are taking virtually all of the risks and American taxpayers are paying virtually all of the bills.

As I said, Democrats offered an alternative that would have spent an additional $4.6 billion to protect U.S. forces and converted half of the reconstruction loans to loans through the World Bank, thereby costing U.S. taxpayers less, avoiding an increase in the deficit, and encouraging greater international participation. Unfortunately, House Republicans prevented a vote on that proposal. And last week 84 Republicans joined Democrats in favoring loans showing that this is not a partisan issue.

Threats of a Presidential veto if the loans were included in the final bill ignore, really, bipartisan majorities in both Houses of Congress and the opinion of most Americans.

Last night the conferees turned a deaf ear to the American people and the will of both Houses by stripping the loan provision from the conference report. And so tonight we are being asked to vote on a conference report that hands the President another blank check for postwar Iraq.

This conference report reflects no change in the administration's failing postwar Iraq policy. The $63 billion for Iraq approved last spring has not been adequately accounted for. We do not have any accountability for the policy and, yet, here we are poised to approve $87 billion for more.

I certainly agree with what has been said on both sides of the aisle; the gentleman from Pennsylvania (Mr. MURTHA) said it most recently when he talked about the need for the reconstruction, and the gentleman from California (Mr. LEWIS) referenced it too. Certainly, we know that reconstruction funds are necessary in Iraq. We know that that is important to the safety and the security of our troops. And I think we are blessed in this body to have the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Ms. Lowey) as the Chair and ranking member of the Committee on Appropriations subcommittee that will deal with that. They are internationalists, they understand the importance of that. But I do not think we should have a gold-plated, no-bid-contract kind of a way to approach these.

And that was the beauty of the proposal of the gentleman from Wisconsin (Mr. OBEY). It gave them $7 billion to use immediately, which was what the World Bank said their absorptive capacity was now, and sends the rest of the money on to the World Bank to be capitalized 4 to 1, $28 billion for this important reconstruction.

The gentleman from California (Mr. LEWIS) referenced General Petraeus. Anyone who has visited the theater knows what a hero he is, 101st Airborne, great, great, great troops that we are very proud of. General Petraeus pointed out an incident where the U.S. engineers called for $15 million to turn a cement factory into a state-of-the-art cement factory. Our troops working with the Iraqis, this is one of General Petraeus's projects, our troops working with the Iraqis got it up and running not for $15 million, but for $80,000. For $80,000.

So that is why when we are not having loans but we are having grants, and our grandchildren and children have to pay for all of this without any thought of getting any reduction of our deficit from the gushing oil fields of Iraq, should they ever gush forth, it just does not seem right.

Mr. Speaker, what is really sad about all of this in terms of the cost, when the administration came to the Congress and to the Committee on Appropriations, Secretary Wolfowitz said we are dealing with a country that can really finance its own reconstruction and relatively soon. He said that shortly after we went into full combat with Iraq. Mr. WOLFOWITZ said we are dealing with a country that can really finance its own reconstruction and relatively soon. He miscalculated the cost, that is for sure. Ignoring the advice of our own State Department, indeed the Bush administration's own State Department about what to expect in postwar Iraq, and that is a matter of record, it has been published in the assessment that was made after the war, Center for Army's Lessons Learned at Fort Leavenworth, Kansas, we know that we did not really even supply our troops with the intelligence, the actionable intelligence they needed to protect themselves and to accomplish the mission.

So we miscalculated the cost, we misunderstood the risks, we do not have the intelligence. And the administration, again, ignored its own report from the State Department about what some of the challenges would be.

Miscalculation, misrepresentation of the cost, misunderstanding of the challenge. Where is the accountability? We need to get that intelligence for our troops just as surely we need to get the kevlar lining for their flak jackets. They are not going to be protected, unless we have the intelligence that is needed to protect them.

So that is why when this blank check of $87 billion comes to the floor, it begs some questions about what we really are doing for our troops. Our intentions are all very, very positive. We know that. But the military is telling us they do not have the intelligence to protect the troops. The military is telling us that.

The State Department told the administration what to expect and that was ignored.

So in any event, I think I have made my point about I think there was a better way. Let us do this right. We know this is not the last request we are going to receive. The administration told us the day the President made the request for $87 billion. They called my chief of staff and said it is going to cost $50 to $75 billion more. So this is just an installment, an installment that is going to be paid for by our grandchildren. I think there is a better way to do it. I am sorry we do not have that opportunity tonight. And that is why I will be voting against the supplemental.

Mr. YOUNG of Florida. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Arizona (Mr. KOLBE), the chairman of our Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. KOLBE. Mr. Speaker, I want to begin by commending the work of our chairman and ranking member and all the other subcommittee chairmen that worked so hard to bring this bill together. I think it has been truly a work that has brought about an outstanding piece of legislation.

I am going to describe some of the elements of the legislation in just its bare outline, so people do know what is actually in this bill. The amount as we have already heard is the total amount of the appropriation bill, $87½ billion. The foreign operations chapter is $21.21 billion, which is just a bit less than the President had requested.

Let me begin, Mr. Speaker, by saying that I strongly support the objectives President Bush and our leadership seek to achieve with this supplemental request for Iraq and Afghanistan. The supplemental bill supports our men and women in uniform, and it provides the reconstruction resources to stabilize and improve conditions in those countries.

□ 2300

These resources are essential to achieving victory and to enabling our troops to come home. Let me cover a few of those highlights.

First, there is $18.6 billion for the Iraq relief and reconstruction account. That is $1.7 billion below the request, but $200 million more than the Senate-passed bill. It includes $3.24 billion for security and law enforcement, $1.32 billion for justice and civil society, $5.5 billion for the electric sector, almost $1.9 billion for the oil infrastructure, $4.3 billion for water resources and sanitation, and $793 million for health care, among many of the other things that are included in there.

The point is that I think these, Mr. Speaker, are the right types of investments. They comprehensively support both the Iraqi people and the physical infrastructure to modernize that country and put it on the path to economic development, security, and stability. These funds are essential investments in the welfare of our troops.

The conference agreement does not provide funds for trash trucks, for $50,000-per-bed prisons, or for ZIP code systems and what we regard as other low projects. The House took the lead on these issues, and we were pleased to see the Senate's support for this approach. On the other hand, we have added funding for a few programs where we saw gaps in the strategy. For example, there is $100 million included for the development of an Iraqi constitution, building democratic institutions and to prepare for holding free and open elections. It is important to note that this conference agreement also makes a number of management improvements, including the submission of financial plans projecting project by project details on this Iraq reconstruction account.

The gentlewoman from California (Ms. PELOSI), the distinguished minority leader, talked about where is the plan. We have a plan and we specifically require a spending plan to be submitted by the administrator and OMB so that we have an opportunity to see that and have that updated every 3 months.

The conferees agreed with the House position to create a new appropriation account entitled ''Operating Expenses of the Coalition Provisional Authority'' rather than leave this activity buried within the Army's $24 billion operation maintenance appropriations account. The CPA will have an operating budget of some $983 million, and we have agreed with the Senate to provide an Inspector General for this organization.

Further, we have included language requiring the Office of Management and Budget to transmit to Congress real financial budget and personnel data on the CPA.

I am pleased we were able to work out an agreement on competition and contracting. The agreement strongly supports full and open competition. We require Ambassador Bremer and the head of any Federal agency providing contracting service for Iraq reconstruction to jointly certify to Congress if other than full and open competition is being pursued.

Mr. Speaker, this agreement is not about Iraq alone. The conference agreement does provide almost $1.2 billion for our reconstruction efforts in Afghanistan, and that is $350 million above the President's request.

The agreement provides an additional $287 million to support the training, equipping, and operations of the new Afghan Army. Also included is $60 million to improve economic opportunity and the standard of living of women in Afghanistan. These resources support technical and vocational education and will fight against abuse of women. They support education for young women who have been denied all of these decades the opportunity to even learn to read.

The conference report includes $181 million to repair and reconstruct roads in Afghanistan and to provide that nation with transportation infrastructure linking its cities as well as its rural areas.

Mr. Speaker, I have sought to briefly provide a few of the highlights of this conference agreement. Any conference means compromise, and there are clearly issues which we would have wanted to come out differently; but on the whole, this conference agreement resembles closely the bill that was overwhelmingly supported here in the House a couple of weeks ago. Let me say that this bill supports our President, our men and women in uniform, and our Nation. This agreement is about American foreign policy objectives, and it is about our leadership in the world.

This conference agreement is about completing the job, not just destroying the tyrannical regime of Saddam Hussein, but also building a stable Iraq at peace with its neighbors in the Middle East. This conference is about remembering that much needs to be done to build a new Afghanistan, one secure and free from the Taliban.

This conference agreement is about continuing the war on terrorism and not giving in to the vicious and cowardly attacks against not only our Armed Forces but against the Iraqi, the Afghan and, yes, the American people. This conference agreement is about maintaining our national security. It is a good conference agreement. I urge its adoption.

Mr. OBEY. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Wisconsin (Mr. OBEY) has 23 minutes remaining. The gentleman from Florida (Mr. YOUNG) has 13½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY),

the ranking Democrat on the Subcommittee on Foreign Operations, Export Financing, and Related Programs.

Mrs. LOWEY. Mr. Speaker, in the last few days we have witnessed another tragic string of attacks in Iraq. Our troops, our allies, and our mission are under constant fire. I feel very strongly that we must pass this package to protect our troops and to provide the funds to stabilize Iraq. For me that is the most efficient way to bring our troops home as soon as possible and bring some normalcy to that region.

There were problems with the initial $87 billion request, and I do believe that the House with the gentleman from Florida (Mr. YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), in the lead modified it appropriately. The prudent cuts made in the House survived conference which is good, and important additions were made.

Our continued efforts in Afghanistan, formerly the headquarters of al Qaeda, have received the funding needed to make sure that the gains we have made do not slip away. We cannot allow that country to again be a haven to groups that would attack us. We did not forget the victims of the Taliban regime either; $60 million were included for women's empowerment and participation programs. If anyone doubts the importance of women in the development of stable and prosperous states, let them read the remarkable ''Arab Human Developments Reports.'' Written by Arab scholars, the reports name three causes for the underdevelopment in some Arab nations: lack of freedom, lack of knowledge, and lack of women's empowerment. As its 2002 report says, ''Society as a whole suffers when half of its productive potential is stifled.''

The women of this House and Senate know that and are determined that the United States will aggressively and directly provide for opportunities for the women of Afghanistan and Iraq and to help their countries grow strong; and so $10 million was similarly set aside for women's programs in Iraq.

We also directed $90 million in Iraq for education, an essential building block of a free society, and an area for which insufficient funds had been originally requested by the administration. The explanation for me seemed to be that education was a ''soft area,'' soft meaning secondary, I believe popular with international donors. Let us leave it to them to fund education.

I vigorously disagree with this reasoning, and I am very glad that our chairman, the gentleman from Arizona (Mr. KOLBE), worked with me to get these dollars in this bill.

One need only consider the effect that this soft area has in places like Saudi Arabia and Pakistan where children are sent to madrassas and are taught intolerance and hate and breed the terrorists. Education is not a secondary matter. It is a direct security interest to the United States, and, again, I want to thank the conferees for endorsing this priority.

Concerns about competitive contracting and obtaining timely and accurate reports from the administration on Iraq were addressed, unfortunately, in my judgment, with broad waivers that weaken them substantially. An Inspector General was created for the CPA, but the other body insisted on the waiver which gives the President the ability to withhold any information in the name of national security. A similar waiver applies to the disclosure of noncompetitive contracting. And I do fear that these waivers will leads to more sole-source contracts awarded behind closed doors. The House must monitor this very closely.

Finally, there was the question of loans versus grants. A constituent asked a very simple question: Why can we not lend money to Iraq? Iraq has such a wealth of oil.

It is a reasonable question; and in my judgment, we should have given them a reasonable and prudent compromise. It is unfortunate that this was not accomplished in conference.

I truly believe that failure in Iraq would create a dangerous vacuum in the heart of the Middle East. It would be a place where hatred of the United States and violence against us would thrive, but the gravity of the situation should not lower our standards for planning and execution; it should raise them. There are lives on the line in Iraq and Afghanistan, and our actions will impact the future of all Americans, especially our children and our grandchildren. We owe them caution, honesty, and realism as we face these next stages in Iraq and Afghanistan.

I strongly support the supplemental. I believe the appropriations for our troops and for reconstruction are equally important and essential to our mission.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, it is the constitutional job of the Congress of the United States to maintain and support the armed services of our country. I stand here in support of this resolution tonight because of that constitutional duty. And I know there have been many bits of discussion about the pros and cons of the line items in this bill. And I know that there are clouds that hang over the question of intelligence as to our initial decision going into Iraq. And I know there are clouds that hang over the decision-making process as to our going in.

But the American troops are there. It is our duty to support them so that they may be victorious in this very arduous and difficult, unique and never-seen-before challenge that Americans in uniform have had.

I had the opportunity about a month ago to visit with young folks in uniform, actually of all services, in and around Iraq, to look at their faces and know that each one of them whether they came from small towns or inner cities or some from suburbs of America, that they knew their duty, that they were good soldiers, that they wore the American uniform proudly, and that they had a mission to accomplish.

For us tonight, we have a mission to accomplish and that mission is to support this resolution. We have no other choice.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the entire Persian Gulf War 12 years ago cost the United States less than $8 billion. The total cost of the war was over $60 billion, but because allies were participating our share was only 12 percent of the cost. Now we have already spent $79 billion on the present war in Iraq. We are asked to spend $87 billion more for a total of $166 billion so far.

□ 2315

To put the $166 billion in perspective, Mr. Speaker, the total appropriation for this fiscal year for the U.S. Department of Homeland Security and the U.S. Department of Transportation and the U.S. Department of Education and Department of Labor and Department of State was less than $166 billion. On a per capita basis, $166 billion is more for each person in Iraq than the total annual government spending in the United States for each of our American citizens for everything other than Social Security and defense.

Although this is a huge expenditure, the administration does not even give lip service to explain how the bill will be paid, no outline of spending cuts or increased taxes. The administration says we cannot lend the money to Iraq because they are too far in debt, and yet the national debt in Iraq is approximately $4,000 a person. The national debt of the United States, $20,000 per person.

A vote on this bill represents the only opportunity Congress has to consider the President's policies in Iraq since October of last year, and the President's decision to invade unilaterally without allies has meant that we are paying 100 percent of the costs of the war in cash and in casualties, and a yes vote on this bill will mean that no significant attempt will be made to get international participation.

Mr. Speaker, we have had widespread reports of contracting fraud, and a vote on this bill means that we will get more of the same.

During the campaign, the President frequently insisted that no troops would ever be deployed without an exit strategy, and not only do we not have an exit strategy, we do not even have a good entry strategy. The President has acknowledged that Iraq had nothing to do with 9/11. No weapons of mass destruction have been found. Iraq was never an imminent threat to the

United States, and so we cannot get an exit strategy, if we cannot explain why we are there in the first place. A yes vote on the bill forfeits any congressional opportunity to require a meaningful exit strategy.

Now whatever, there are a lot of reasons to vote no, but if this passage of the bill would make us safer, we might want to vote yes. Unfortunately, even before the war, the CIA concluded that Iraq posed very little threat to the United States at that time, but would pose a threat if we attacked them. This policy, which includes the expenditure of $166 billion and the loss of many courageous lives, has failed to make us safer.

Mr. Speaker, because this bill represents such a huge expenditure and validates failed policies, I would ask that we defeat the legislation.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from California (Mr. CUNNINGHAM) who as a Naval fighter pilot became the first Ace in the war in Vietnam.

Mr. CUNNINGHAM. Mr. Speaker, the young lady from San Francisco said that she is not going to vote for this bill. That did not surprise me a bit. When a person has a 35 percent defense rating, the highest ever in a career, it does not surprise me that this young lady would vote against this bill. The troops know, they know each and every one of us and what we do. I became a Republican, I was a Democrat, because of the folks in this body that turned their backs on us, many of us in Vietnam, some of those Republicans, too.

To say, well, I am not going to vote for a bill that gives me the tools to do my job and survive, all these kids want to do is to be able to complete their mission, do their job and get home safely, and to deny them these funds that will do that, they know, and they know what their mission is every single day.

Mr. Speaker, I think to deny the many, many positive things that are going on, the gentleman from California (Mr. LEWIS) took a whole group, as he said, Republicans, Democrats, conservatives, liberals and others, to Iraq and you know what, even those that were opposed to Iraq when they got there and saw what was going on there, the positive things, the men and the women that were walking down the streets free. Now, there are some bad areas, Tikrit and Baghdad, but if my colleagues go to the south and go to the north, we have got young girls going to school now. They could not do that before.

That is the plan, and these kids that are over there know that. They know it every single day. To deny that is a slap in the face to them, and all they want to do is do their job, and that is why it is important that those people that say, well, we should not be there, we are going to deny this money to these kids, that is wrong, because part of the mission is to build up Iraq so that we only ask one thing of them, that is, to give us a free and stable democracy, not ours, not Britain's, but their own. And you know what, the folks in Israel appreciate that.

I flew in Israel and I know a stable Iraq, a stable Afghanistan, a stable Saudi Arabia. Do my colleagues know that Saudi Arabia since May, when the al Qaeda bombed them, they found over 20 tons of explosives from Saddam Hussein to al Qaeda? Saudi Arabia's arrested them. They would have not done that before. My colleagues want to know what our plan is? They found SA–7 stingers that were coming to the United States. My colleagues know what our plan is? I would rather fight them there than here and give our kids the tools.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, once again, we failed to provide for our veterans. If today is like many other days since Operation Iraqi Freedom began, wounded troops will continue to arrive at Walter Reed Army Hospital or other military treatment facilities. About 10 each day have continued to arrive.

The military lists thousands. In fact, a couple of weeks ago it is over 1,500 that have been wounded in action or disabled, nonbattle injuries since the conflict in Iraq began. Thousands more may have come to our veterans hospitals in search of the medical care for conditions that may become evident the days and months after their military service has ended.

This summer, this House broke that 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. I had an opportunity and I went before the Committee on Rules and you had an opportunity to correct that, and at the same time I mentioned to you that you have provided $2 million for health care for Iraqis but you could not allow the opportunity for us to provide that $1.8 billion as an opportunity for our own veterans as they come back.

We have had another chance to add these funds, and we have continued to fail. This supplemental rightly addresses the needs of our troops, but it also allows the military to provide better equipment and supplies, but we have to continue to remember that we also have an obligation to those veterans after they come back and as we just this week on Tuesday, we had a chance to visit Walter Reed, and we saw those veterans, where they have lost some of their limbs.

So I ask and appeal to my colleagues that right now, just to be able to complete and continue to provide the services that we provide now, we need $1.8 billion for our veterans health care to be able to do that, not to mention the fact that we need additional resources.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK), who actually flew extremely important missions over Iraq as part of Northern Watch.

Mr. KIRK. Mr. Speaker, let me read a quote. ''Americans are losing the victory. The troops returning home are worried. 'We've lost the peace,' men tell you. Before the landings, liberation meant to be freed of tyranny. Now it stands in the minds of civilians for one thing, looting. Never has American prestige been lower. 'Have you no statesmen in America?' they ask.''

This sounds like a report from Iraq. It is not. These words were written 57 years ago about the American occupation of Germany. Appearing in the January 7, 1946, edition of Life magazine, John Dos Passos wrote, ''We have swept away Hitlerism but Europeans now feel that the cure has been worse than the disease.''

Under subtitles like ''U.S. administration a poor third'' and ''the skeptical French press,'' Life magazine warned that the U.S. occupation in Europe had failed.

Luckily, President Truman did not listen. He knew the failed peace after World War I doomed a second generation of Americans to fight in Europe's killing fields. Truman did not do popular things. He ordered the U.S. Army to remain in Europe, and despite George Washington's advice against alliances, he signed our first military alliance with NATO. He also launched the most expensive foreign aid program in our history, $105 billion for the Marshall Plan. He did this to avoid sending a third generation of Americans to fight in Europe, and he succeeded.

We now have fought two wars in Iraq. How many more should we fight? The failed peace of Desert Storm guaranteed a second Iraqi war. We have already now sent two generations of Americans to Iraq. I think we should make sure that we do not send a third. We need to finish this job so that young Americans a decade from now do not have to refight this war.

Despite the current media reports that sound just like the 1946 Life magazine report, we need to follow the example of Harry Truman. We need to do this job right so that our sons and daughters are not condemned to a third Persian Gulf War.

How much would my colleagues pay to avoid a third war in Iraq? Avoiding such a war is worth our effort tonight as we pass this bill to finish the job.

Let me say one note of personal privilege. No one knows more about the defense and foreign policy of our country than the gentleman from Pennsylvania (Mr. MURTHA) and the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Missouri (Mr. SKELTON), and I really want to highlight their leadership and personally thank them for following the maxim, ''partisanship should end at the water's edge.''

Mr. YOUNG of Florida. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Tennessee (Mr. WAMP), a member of the committee.

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

Mr. WAMP. Mr. Speaker, we are at the end of a 6-week process, and I am proud of the work that the House has accomplished. We cannot afford to fail in Iraq.

The best and brightest in this House have scrubbed the proposal sent from the White House. We have done our best work, and now it is time to vote. Those who say this is a blank check from the White House are just not telling it like it is. This is a world changing paradigm shift on the other side of the world.

I think back to the bipartisan retreat early this year. I was there. Thomas Friedman came from the New York Times, spoke to a large group and said, maybe we are not going about this right, but we need to do this. He really said this needs to happen, an experiment in the 22 Arab countries to promote democracy and make this investment.

We were all hit with sticker shock. Eighty-seven billion dollars is a huge number. It shocked me but we now realize how important it is. It is going to be incalculable the benefits of this investment.

The big debate came down to loans versus grants. When I looked the President eye to eye, he said we believe we are going to get U.N. support. We did, unanimous, for a U.S.-led peacekeeping force in Iraq. We are making progress. Frankly, I was disappointed with Madrid. I say to the White House tonight, prove us wrong on the loans; work until we get more global support. I believe we need to.

The bottom line is this is an unprecedented situation in the history of the world, and we have got to step up. It is easy to demagogue an $87 billion request. It is easy to critique it, but tonight we have got to vote. I think it is difficult, difficult to vote no. If my colleagues have to hold their nose and vote yes tonight, do it. I am going to grit my teeth and vote yes tonight and say that we cannot afford to fail in Iraq.

□ 2330

Mr. YOUNG of Florida. Mr. Speaker, may I inquire of the Chair how much time I have remaining.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Florida (Mr. YOUNG) has 5½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 11½ minutes remaining.

Mr. OBEY. Mr. Speaker, if the gentleman needs it, I will be happy to yield him 1½ minutes.

Mr. YOUNG OF Florida. That would be very appreciated.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I neglected earlier to express my deep appreciation to the conferees for their responding to the challenge in our district that involved some $500 million that is now going to go through the process here to FEMA to help those people who are presently out of their homes, people who suddenly have no place to live and the like.

And, Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I just wanted to note that many in the California delegation are distressed that the much-needed $500 million for relief for the fire funding is tied up with the $87 billion for Iraq that many of us oppose. Tonight we have introduced a stand-alone bill to provide the same $500 million in relief for California, and we would urge that that be used as a vehicle instead of this supplemental.

We think it is a problem to have the two mixed. It lends a political component to this that should never be present when we are dealing with victims of an awful tragedy such as this. So I wanted the whole House to know of the feeling of the 33 Democratic members of the California delegation that we ought to have a separate fire relief measure for California.

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

Mr. Speaker, I would like to read the following words from a very distinguished American statesman written 5 years ago: ''Trying to eliminate Saddam would have incurred incalculable human and political costs. We would have been forced to occupy Baghdad and, in effect, rule Iraq. There was no viable exit strategy we could see, violating another of our principles. Furthermore, we had been self-consciously trying to set a pattern for handling aggression in the post-Cold War world. Going in and occupying Iraq, thus unilaterally exceeding the United Nations mandate, would have destroyed the precedent of international response to aggression that we had hoped to achieve. Had we gone the invasion route, the United States could conceivably still be an occupying power in a bitterly hostile land.''

The man who said that was George Herbert Walker Bush 5 years ago. Now, his advice was not taken, and we now are facing the question of what to do next.

Frankly, how we voted on going to war in the first place is, in my view, in considering this legislation, irrelevant. The question, to me, is not whether we are going to vote for or against this package tonight. I think in many ways how we cast our individual votes on this package is secondary.

The issue is whether the policy which is now being followed in the war's aftermath is the right policy, whether it is wired together well enough in the details in order to achieve the success that every single Member of this body wants to see the President achieve. After all, he is our President, regardless of party. And after all, these are our sons and daughters and brothers and sisters and cousins and uncles and aunts wearing our uniform and representing our country in that very difficult circumstance tonight.

But the policy is the issue. If the policy is the right policy, then it probably will not matter whether we appropriate $20 billion more or less than we are appropriating tonight. We will have a good chance of succeeding. And if the policy is not wired together right, then all the money that we can provide will not produce a happy ending.

I want to explain why under these circumstances I will be voting ''no'' tonight. As the gentlewoman from California (Ms. PELOSI) said earlier, we have previously appropriated well over $60 billion, and we provided maximum flexibility to the Defense Department in spending that money. Yet with that flexibility we saw the shortages of inserts in the Kevlar vests, we saw the shortage of jammers, we saw the shortage of adequate protection for the unarmored Humvees, all of which have put our troops at risk. We have seen inadequate supplies of drinking water for our troops. And the very general in charge of the operation has told us in our hearings that he still does not know how it happened. And now we are being asked to provide $87 billion more.

The question is not whether the administration will get this money. They will get this money, and they will get a whole lot more because this is just the downpayment. The question is whether or not in the providing of this money we will use our leverage and use our power of the purse to force the agencies and the administration to think through more clearly how it is that they are going to accomplish the goals which they have stated. That, to me, is the detailed question.

Now, we do not have any idea, and the administration has given us no idea, of what their range of expectation is in terms of cost over the next 5 years. We should have some idea so that we can prepare our own constituents to support this over the long haul. We do not have that information. But we do know, at least I am convinced of the unpleasant truth, and I very much agree with Senator MCCAIN on this, I am convinced that if we are to accomplish this job, we do not have enough troops on the ground in Iraq right now. We either need more troops from our allies, or we need more help from the Iraqi remnants that can be reasonably relied upon; or we are going to need more U.S. troops, or our troops will unnecessarily suffer higher casualties than they would otherwise suffer.

Now, it is not pleasant to tell the American people that we may need more troops rather than less before this is over; but talking to the experts whom I trust, that is what I believe.

We also do know that the agencies involved in running this policy so far have managed to find the single most

expensive way to deliver this aid, because they are following a high-tech strategy that involves deep involvement by these huge multinational corporations, like Bechtel and Halliburton and a dozen others, instead of relying on a more indigenous low-tech approach that can put more Iraqis to work so they have something more productive to do than shoot Americans.

I also think that we do know that at this point the administration has given us not a clue about how or how soon they expect to repair the Army. We have equipment from over five divisions that at this point needs reconstitution; it needs refurbishing. We have been told by the Army that that alone is going to cost above $17 billion, and the administration has asked for less than $2 billion.

The American public needs to know the facts, and they need to know the costs; and they do not need to have it revealed to them on the installment plan. It should be provided up front so that we can take the case to our public.

We also have the other problem, that this package does not pay for itself. We borrow it all. And so that means that just the interest payments alone will amount to about $4 billion more than we would be paying if we paid for this cash on the barrel head. And that is $4 billion on interest payments that will shove out money that would otherwise be available for education, for health care, and for other needed domestic efforts, including infrastructure.

I will be offering a motion to recommit. It will not allow us, because of the restraint of the rules, to get at the basic problems in the policy; but it will allow us to at least try to improve it around the edges. First, we will try to restore the funding for veterans health care that was taken out of the bill. Because while we have been told that that will be taken care of in the VA HUD bill, we have been given no idea of how. So that has yet to become a reality.

Second, the recommittal motion would ask that we accept the Senate provision which would convert $10 billion of this reconstruction program to loans, with the proviso that if our allies in fact forgive prior loans to Iraq, then we will forgive this loan as well.

Now, there are those who say Iraq cannot afford that. Let me point out Iraq is a country of 23 million people. They are getting $20 billion in reconstruction. That is $872 per capita, 10 times as much as the annual per capita aid under the Marshall Plan to all of Europe.

Mr. Speaker, let me simply ask for an ''aye'' vote on the recommittal motion.

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

Mr. Speaker, it has been said that this bill is a blank check. I wish to provide for the RECORD at this point a table that shows that it is not a blank check, and that it is very specific in the money that it appropriates.

HIGHLIGHTS OF THE WAR SUPPLEMENTAL CONFERENCE REPORT

President's Request: $87 billion.
Conference report: $87.5 billion.

IRAQ RELIEF AND RECONSTRUCTION

President's Request: $20.3 billion.
Conference report: $18.6 billion.

Category and Description	Supplemental Request	Conference Agreement
Security and law enforcement:		
Police training and technical assistance	950	950
Traffic police	50	-
Border Enforcement	150	150
Facilities Protection Services	67	67
Subtotal, Law enforcement	1,217	1,167
Establishment of the New Iraqi Army (NIA)	2,000	2,000
(NIA Facilities)	(745)	(745)
(NIA Equipment)	(879)	(879)
(NIA Operations and Training)	(375)	(375)
Iraq Civil Defense Corps	76	76
(Operations and Personnel)	(58.4)	(58.4)
(Equipment)	(17.2)	(17.2)
Subtotal, National Security	2,076	2,076
Total, Security and Law Enforcement	3,293	3,293
Justice, Public Safety Infrastructure and Civil Society:		
Witness Protection Program	100	75
Other technical investigative methods	10	10
Penal facilities	400	100
Reconstruction and modernization of detention facilities	109	109
Facilities protection, mine removal, fire service, and public safety facility and equipment repairs	500	400
(Demining)	(61)	(61)
Public safety training and facilities	274	199
National Security Communications Network	150	100
Investigations of crimes against humanity	100	75
Judicial security and facilities	200	150
Democracy building activities	-	100
Total, Justice, Public Safety Infrastructure and Civil Society	1,843	1,318
Electric Sector:		
Generation	2,900	2,810
Transmission	1,550	1,550
Network infrastructure	1,000	1,000
Automated monitoring and control system	150	150
Institutional strengthening	25	-
Security	50	50
Total, Electric Sector	5,675	5,560
Oil Infrastructure:		
Infrastructure	1,200	1,200
Emergency supplies of refined petroleum products	900	690
Total, Oil Infrastructure	2,100	1,890
Water Resources and Sanitation:		
Potable water	2,830	2,830
Water conservation	30	30
Sewerage	697	675
Solid waste management/trash trucks	153	-
Other solid waste management	-	22
Subtotal, Public Works Projects	3,710	3,557
Pumping stations and generators	150	150
Irrigation and drainage systems	130	130
Major irrigation projects	130	130
Dam repair, rehab, and new construction	125	125
Umm Qasr to Basra water pipeline and treatment plant	200	200
Marsh projects	100	-
Basra Channel Flushing	40	40
Subtotal, Water Resources projects	875	775
Total, Water Resources and Sanitation	4,585	4,332
Transportation and Telecommunications Projects:		
Airports	165	165
Umm Qasr Port rehab	45	45
Railroad rehab and restoration	303	300
Iraqi Telecom and Postal Corporation	124	100
(Postal IT / ZIP Codes)	(9)	(-)
Iraqi Communications systems	109	95
(Business practices for Iraqi TV and radio)	(10)	(-)
(Numbering scheme/911 initiative)	(4)	(-)
Iraqi Communications operations	89	75
Undistributed reduction, transportation and telecommunications	-	−280
Total, Transportation and Telecommunications Projects	835	500
Roads, Bridges, and Construction:		
Housing construction	100	-
Public buildings construction and repair	130	130
Roads and bridges	240	240
Total, Roads, Bridges, and Construction	470	370
Heath care:		
Nationwide hospital and clinic improvements [1]	393	493
Equipment procurement and modernization	300	399
Initiate 700m Basrah hospital project	150	-
Health care partnerships	7	-
Total, Health Care	850	793
Private Sector Development:		
American-Iraqi Enterprise Fund	200	-
Expanded network of Employment Centers	8	8
Training	145	100
Micro-Small-Medium Enterprises	-	45
Total, Private Sector Development	353	153
Education, Refugees, Human Rights, Democracy, and Governance:		
Migration and Refugee Assistance	105	105
Local Information Centers	90	-
Property Claims Tribunal	30	30
Banking system modernizations	30	30
Business training courses	20	-
Human rights	15	15
Education	-	90
Civic programs	10	10
Total, Education, Refugees, Human Rights, and Governance	300	280
Transfer/financing	-	210
Total, Iraq Relief and Reconstruction Fund	20,304	18,649

[1] Includes $35 million for pediatric facility in Basra.

Operating Expenses of the Coalition Provisional Authority (CPA)—The mark provides a direct appropriation of $983 million to the Coalition Provisional Authority for their operating expenses instead of providing these funds in the U.S. Army, Operation and Maintenance accounts as requested.

Foreign Debt—The bill includes a prohibition on the use of any funds in this act to be used to pay Iraq's foreign debts.

Inspector General—The bill provides for the establishment of an Inspector General for the CPA.

AFGHANISTAN RELIEF AND RECONSTRUCTION

President's Request: $800 million.

Conference report: $1.2 billion.

These funds are provided generally for infrastructure improvements, in support of women's programs, security assistance and economic development. The additional funds are intended to show tangible improvement in the security and quality of life of most Afghans by the summer of 2004.

NATIONAL DEFENSE

President's Request: $65.1 billion.
Conference report: $64.7 billion.

SUMMARY TABLE

[In thousands of dollars]

	Request	House	Senate	Conference
Military Personnel:				
Military Personnel, Army	12,858,870	12,188,870	12,858,870	12,858,870

SUMMARY TABLE—Continued

[In thousands of dollars]

	Request	House	Senate	Conference
Military Personnel, Navy	816,100	816,100	816,100	816,100
Military Personnel, Marine Corps	753,190	753,190	753,190	753,190
Military Personnel, Air Force	3,384,700	3,384,700	3,384,700	3,384,700
Total Military Personnel	17,812,860	17,142,860	17,812,860	17,812,860
Operation and Maintenance:				
O&M, Army	24,190,464	24,257,664	24,946,464	23,997,064
O&M, Navy	2,106,258	1,934,058	1,976,258	1,956,258
O&M, Marine Corps	1,198,981	1,198,981	1,198,981	1,198,981
O&M, Air Force	5,948,368	5,598,368	5,516,368	5,416,368
O&M, Defense-Wide	4,618,452	4,485,452	4,218,452	4,355,452
O&M, Marine Corps Reserve	16,000	16,000	16,000	16,000
O&M, Air Force Reserve	53,000	53,000	53,000	53,000
O&M, Air National Guard	214,000	214,000	214,000	214,000
Overseas Humanitarian, Disaster and Civic Aid	35,000	35,000	35,000	35,000
Iraq Freedom Fund	1,988,600	2,086,000	1,988,600	1,988,600
Total Operation and Maintenance	40,369,623	39,879,623	40,163,623	39,231,223
Procurement:				
Missile Procurement, Army	6,200	.....	6,200	.....
Procurement of WTCV, Army	46,000	101,600	104,000	101,600
Other Procurement, Army	930,687	1,250,287	1,078,687	1,143,687
Aircraft Procurement, Navy	128,600	158,600	128,600	158,600
Other Procurement, Navy	76,357	76,357	76,357	76,357
Procurement, Marine Corps	123,397	123,397	123,397	123,397
Aircraft Procurement, Air Force	40,972	53,972	40,972	53,972
Missile Procurement, Air Force	20,450	20,450	20,450	20,450
Other Procurement, Air Force	3,441,006	3,418,006	3,441,006	3,438,006
Procurement, Defense-Wide	435,635	418,635	435,635	418,635
Total Procurement	5,249,304	5,621,304	5,455,304	5,534,704
Research, Development, Test and Evaluation:				
RDT&E, Navy	34,000	34,000	34,000	34,000
RDT&E, Air Force	39,070	39,070	39,070	39,070
RDT&E, Defense-Wide	265,817	195,817	265,817	260,817
Total RDT&E	338,887	268,887	338,887	333,887
Revolving and Management Funds:				
Defense Working Capital Funds	600,000	600,000	600,000	600,000
National Defense Sealift Fund	24,000	24,000	24,000	24,000
Total Revolving & Management Funds	624,000	624,000	624,000	624,000
Other Department of Defense Programs:				
Defense Health Program	658,380	658,380	658,380	658,380
Drug Interdiction & Counter-Drug Activities, Defense	73,000	73,000	73,000	73,000
Total Other	731,380	731,380	731,380	731,380
Related Agencies:				
Intelligence Community Management Account	21,500	21,500	21,500	21,500
General Provisions:				
Storm Damage (Sec. 1109)	.....	413,300	.....	313,000
Munitions Security and Destruction (Sec. 1121)	.....	.....	.....	100,000
Grand Total Chapter 1	65,147,554	64,702,854	65,147,554	64,702,554

HIGHLIGHTS OF THE DEFENSE PORTION OF CONFERENCE REPORT

Force Protection —The conference report increases funds to purchase body armor Special Armor Plate Insert, to clear unexploded ordnance and to increase production of other force protection measures such as armored HMMVV's and electronic jammers.

Tricare and Reservist Health Care Benefits—The conference report allows inactive reservist and their family members to become eligible for TRICARE health care coverage if they are receiving unemployment compensation or not eligible for any other health coverage. It also includes provisions that expands eligibility time periods for reservists and provides Medical and Dental Screening and Care coverage where appropriate.

Meal Allowances—Prohibits service members injured in combat or training from being billed for meals during their hospitalization. Makes this benefit retroactive to 9/11/2001 and provides reimbursement for those who have already paid meal charges.

Hazard Pay and Family Support—The mark includes a proposed provision which authorizes continued payment of per diem for travel of family members of military personnel who are ill or injured as result of active duty service and includes a provision to continue the increased monthly rate of Imminent Danger Pay and Family Separation Allowances through September 30, 2004.

Recovery of Natural Disasters—The conference report includes $313 million, not requested by the Administration, for recovery and repairs to damage to military facilities caused by Hurricane Isabel. $525 million is provided for military construction activities related to the war on terrorism and to make repairs to facilities damaged by recent natural disasters.

COMMERCE JUSTICE STATE PROGRAMS

President's Request: $187 million.

Conference Report: $580 million.

The following is a selected lists of items funded under the Commerce-Justice-State title of the bill: $245 million for peacekeeping activities in Liberia; $44 million for a secure embassy facility in Kabul, Afghanistan; $40 million for an Arabic broadcasting services to Iraq trough the Broadcasting Board of Governors; $50 million to provide rewards to individuals for information leading to the capture of Saddam Hussein and Osama Bin Laden.

OTHER ITEMS

FEMA Disaster Assistance—the Bill provides $500 million for FEMA disaster assistance to be available for recently declared disasters.

Mr. Speaker, it has been said there is no plan. I disagree. There was a plan. The plan is in operation. The first part of the plan was to eliminate Saddam Hussein and his tyrannical regime. That has happened. To defeat Saddam's armies and his military. That has happened. Now, the second part of the plan is to stabilize Iraq so that the people of Iraq can create their own government, and can create their own infrastructure and give people a quality of life. Where we are at risk today is from terrorists. Terrorism is raising its ugly head in Iraq. Our soldiers have been attacked; the United Nations headquarters has been attacked and the International Red Cross has been attacked.

Now, we did not start this war on terrorism. I think we ought to just for a minute review this. On February 26, 1993, the World Trade Center was bombed in New York. Six lives were lost. On June 25, 1996, Khobar Towers in Saudi Arabia was bombed. Nineteen Americans living there were killed. On August 7, 1998, American embassies in Kenya and Tanzania were bombed. There were 259 lives lost. On October 12, 2000, the USS *Cole* off the coast of Yemen was bombed and 17 sailors were killed, with many others injured.

These were acts of terrorism. Our response was rather tepid, and the terrorists became bolder and became more aggressive.

And on September 11 of 2001, a hijacked airplane crashed into the World Trade Center, tower number one. The second airplane hijacked crashed into the second tower of the World Trade Center, with nearly 3,000 lives lost or unaccounted for. On September 11, 2001, a hijacked plane crashed into the Pentagon, right across the river, with 189 lives lost. On September 11, 2001, a hijacked plane crashed in rural Pennsylvania, with 44 lives lost.

□ 2345

Mr. Speaker, we did not start this war on terrorism. These are examples of how terrorists started the war on terrorism, and thank God we finally responded because if we did not respond, the terrorists would become more bold and more aggressive and more of a threat. So what we are doing in Iraq, in Afghanistan, what we are doing with this appropriations bill tonight, we are investing in a future where our children and grandchildren and great grandchildren can live free from the fear of terrorists, free from the fear of airplanes flying into our buildings, free from the threat of losing lives and using loved ones to terrorists. It is important that we support the President of the United States as he leads this fight against international terrorism wherever it might be, and this bill is part of that effort, and I ask for a yes vote on this bill.

Ms. BROWN of Florida. Mr. Speaker, I am here tonight to say that I cannot believe that this supplemental bill is handing over billions and billions of dollars in reconstruction funding to Iraq through direct grants . . . let me repeat that—Direct Grants! And where do these direct grants come from? Directly from America taxpayers' pockets. That's where. Instead of following the Senate bill and giving Iraq loans to rebuild, we are flat out throwing money at them with no oversight. While here at home the Republican leadership continues with their only legislative agenda item: Tax cuts for their country club friends, and pushing our Treasury further into debt, our citizens are being forced to pay for building a country that was unnecessarily destroyed in the first place, because it has never been proven that there is a link between Iraq and September 11.

And while Congress hands over blank checks to this Administration, the media has given them a free ride. While the Republican-controlled Congress continues to send billions of dollars overseas without accountability, the media continues to cover up the facts. All the while the President continues to lie to the American public about the very reason our troops are over there. Mr. Speaker, our troops are doing their job, it is the Members of this body that are not doing theirs.

The Republicans keep telling us this bill is all about the soldiers, and everyone in this Congress supports our soldiers. But how can a bill for our soldiers not include money for basic protections like body armor, boots, camouflage, rucksacks, armored vehicles, tank tracks, Humvee tires, signal jammers, and chemical suits. We can't even provide these brave men and women with simple necessities like drinking water, showers, tennis shoes, and even toothpaste.

I am still working for accountability from the other side of the aisle. Yes, Mr. Speaker, I wholeheartedly support our troops, and I am still trying to figure out why, after Congress appropriated $79 billion for Iraq just 6 months ago, we are going to vote on yet another $87 billion appropriation today. Whatever happened to the first $79 billion? The American public deserves more from their elected representatives, and they deserve some accountability for this funding.

Mr. FILNER. Mr. Speaker, since the President first proposed his $87 billion supplemental appropriations package last month, I have worried that the President's plan for bringing stability to Iraq lacks fiscal accountability and a clear plan for bringing our troops home, and has relied on U.S. troops taking almost all the risks, and American taxpayers paying virtually all the bills.

I have been angered by the repeated stories of our troops in Iraq not being outfitted with state-of-the-art Kevler bulletproof vests and armored HMMVVs.

Equally troubling is the lack of parity for important funding at home. This bill sends direct aid to Iraq for infrastructure improvements that dwarf investments in our own country. The bill spends nearly twice as much per capita for border protection and public safety services in Iraq as we spend at home, and 10 times more per capita in Iraq for new hospital facilities than we spend in the United States. In addition, this bill spends 11 times more per capita for sewer and water services than we invest in our own cities, and 350 times more per capita on rehabilitating Iraq's electric power infrastructure than we are spending on fixing similar problems here at home.

During the House's debate on this bill 2 weeks ago, I offered an amendment to add emergency funding for eliminating the ''disabled veterans tax,'' toppling an unfair law that prevents service disabled veterans from receiving their full military retired pay and VA disability compensation. This amendment, ruled out of order by the Republican majority, drew attention to just one of the many infrastructure and social service spending shortfalls at home that are ignored in this emergency appropriations bill.

Two weeks ago, I voted ''no'' to giving the President a blank check for Iraq while falling behind in investing in our infrastructure and social service needs at home. Today, I will vote ''yes'' because of the terrible suffering and devastation endured by the citizens of San Diego County as a result of the firestorm still raging today; $500 million has been added for Federal Emergency Management Agency (FEMA) disaster assistance in California. Earlier this week, I contacted FEMA Director Michael Brown and President Bush, urging them to make a FEMA center operational immediately in San Diego, to help my constituents in processing the necessary paperwork to begin the process of rebuilding their lives. This important funding will allow FEMA to open one-stop clearinghouses for information and assistance in expediting the huge volume of disaster claims that will result from this tragedy.

In addition, this bill increases funds to purchase body armor Special Armor Plate Inserts, and to increase production of armored HMMVVs, which will give our soldiers the protections they should have had all along. I have joined a number of my colleagues in calling for a full congressional hearing to investigate the many reports of American men and women fighting in Iraq without adequate lifesaving body armor—an indication that our preparation for this war was inadequate.

Today, I vote ''yes'' because our soldiers serving in harm's way deserve the best protection and resources our Nation can provide. And because I know, in a very personal way, the suffering of San Diegans in the current firestorm and because I want to say ''thank you'' to the thousands of professional firefighters who exhibited so much bravery and courage in recent days.

Mrs. MALONEY. Mr. Speaker, I rise to voice my support for a provision included in this legislation that was offered by myself, Congresswoman BIGGERT, Congressman HYDE, and Congressman LANTOS, which devotes $60,000,000 to programs that will help Afghan women and girls, and $5,000,000 to the Afghan Independent Human Rights Commission.

This funding will go a long way toward making the lives of Afghan women better by providing critical services and by ensuring that they are not relegated to second-class status.

I would like to thank my colleagues Congressman YOUNG, Congressman KOLBE, Congresswoman BIGGERT, Congressman HYDE, and Congressman LANTOS for their help in securing this funding as well as our counterparts in the other body who care so deeply about this issue.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong support of this legislation and urge its prompt adoption this evening.

I want to commend the chairman of the committee and the chairmen of the Defense and Foreign Operations Subcommittees for their expeditious and effective handling of this emergency supplemental for Iraq and Afghanistan.

To our young soldiers in Iraq and Afghanistan: Help is on the way. Difficulties remain, especially in the ''Sunni triangle.'' It continues to be a dangerous place. But we're there to finish the job—terrorists, Saddam loyalists, and common criminals must be pursued and brought to justice.

This bill is more than just dollars and cents—this is direct support for the safety and security of our young troops standing in harm's way and for the reconstruction of Iraq. It's the resources our troops need: Better weapons, reliable intelligence, more ammunition, body armor, vehicles, better pay, and additional equipment to get the job done.

For example, the conference report increases funds to purchase body armor Special Armor Plate Insert, to clear unexploded ordnance and to increase production of other force protection measures such as armored HMMVV's and electronic jammers.

Quality of life for our troops and their families is also important.

The conference report includes a provision which authorizes continued payment of per diem for travel of family members of military personnel who are ill or injured as a result of active duty service and includes a provision to continue the increased monthly rate of Imminent Danger Pay and Family Separation Allowances through September 30, 2004.

In addition, the Conference report requires DOD to notify reservists in writing of their expected mobilization and deployment period—to help reduce the uncertainty many reservists have faced regarding call-up times, departure dates, and overseas deployment periods.

The conference report also provides $32 million for the Family Advocacy program, and $10 million for the National Guard Family Readiness Program—programs which provide support services to military families, especially those who have faced losses, or who have a family member deployed.

Finally, Mr. Speaker, the report prohibits service members injured in combat or training from being billed for meals during their hospitalization. Make this benefit retroactive to 9/11/2001 and provides reimbursement for those who have already paid meal charges.

Of course, we mourn the loss of any American soldier and pray for the early recovery of our wounded. We are forever in their debt and reject the mindless notion that their sacrifice is in vain.

Mr. Speaker, the Coalition Provincial Authority, working with our military and civilian officials of 131 nations, especially the United States Agency for International Development has been working hard to improve the quality of life and deliver needed assistance.

This Supplemental for Iraq and Afghanistan will go toward creating conditions on the ground in Iraq that will enable our troops to succeed in their mission—by providing the basic services and humanitarian relief that will make a big difference in stabilizing the country.

Mr. Speaker, the reconstruction package is critical to the military mission. I urge its adoption.

Mr. EVANS. Mr. Speaker, I am greatly disappointed that conferees have disregarded the House-approved motion to instruct and eliminated the provision to add $1.3 billion to veteran's health care. While I understand the need for additional funding may be addressed in VA–HUD appropriations, I am concerned that if we add funds to that bill contingent upon the President's designating them emergency spending the effort will be in vain. The Administration has already told Mr. YOUNG and Mr. OBEY it does not support additional funds for veterans' health care. Let's not break yet another commitment to our veterans by giving them this empty promise in exchange for funding that would have been real.

The cost of not adding significant funds for veterans' health care will be great. VA has been making progress with waiting times, but it is likely to regress under the administration-proposed budget. The Secretary is likely to propose more copayments for our veterans; more overblown ''management efficiencies''; more service restrictions; and, even more groups of veterans it will refuse to enroll. If we want to deal with these consequences, continue to support the President's budget as requested. If we don't, we'll add some real appropriated dollars for veterans' health care.

Ms. MCCOLLUM. Mr. Speaker, I rise in opposition to H.R. 3289, the Iraq War Supplemental. In my opinion, this massive $87 billion spending bill is flawed and should be sent back to the White House to be redrafted.

There are three areas that if properly addressed would have made this a bill that would have served the interests of the American people, as well as the people of Iraq.

First, this appropriation is 100 percent financed by deficit spending. The Bush administration has handed out trillions of dollars in tax cuts to the wealthiest Americans and created record setting deficits for middle-class Americans and their children to pay off. In fiscal year 2004 alone, it is projected that almost $600 billion in deficit spending will occur in 2004 alone. This unprecedented extreme of fiscal irresponsibility must be stopped.

The ''emergency'' spending bill for Iraq should not be paid for by the next generation of Americans, but paid for today by rolling back the tax cuts on the wealthiest Americans making over $350,000 per year. Shared sacrifice does not mean that only our troops, their families, and the next generation of tax payers should shoulder the burden of the President's Iraq policy.

Second, the Pentagon's practice of sole-source contracting in Iraq worth billions of dollars for Halliburton and Bechtel with no accountability to Congress or the American people cannot be allowed to continue. I find this noncompetitive contracting to be absolutely unacceptable. Given Vice President CHENEY's on-going financial relationship with Halliburton, this situation is all the more troublesome. The emergency supplemental only perpetuates Halliburton's outrageous war pprofiteering at taxpayer expense.

Finally, as U.S. troops attempt to rebuild Iraq they are targets of constant guerrilla attacks—now averaging more than 30 attacks a day, euphemistically called ''events'' by the Pentagon. With $63 billion appropriated only last April to the Pentagon, our service men and women still have not been provided with adequate necessities to keep themselves safe. Reports indicate our troops are short more than 44,000 Kevlar vests, they lack the jamming technology that prevents remote radio detonated bombings and they do not have adequate access to purified water or sufficient food rations.

As tax dollars are appropriated for our military in Iraq, the needs of our troops must come first, not the neo-conservative political agenda of Secretary Rumsfeld or Deputy Secretary Wolfowitz. The Pentagon was provided more than $490,000 for each of the 130,000 soldiers in Iraq since April. Yet, today, U.S. troops are still without enough Kevlar vests or clean water—this is outrageous and more money is not the solution. Before billions more are simply handed over to bureaucrats in the Pentagon, Congress needs to ensure the needs of our troops on the frontlines are met and the Pentagon is held accountable.

Over the course of the past 18 months, the Bush administration's policy toward Iraq has been aggressive, obsessive and pre-emptive. The distortions, manipulations, and politicization of national security intelligence related to Iraq allowed this White House to sell the American people a war in which an imminent threat did not exist, but was apparently manufactured. Now our troops are risking their lives in a guerilla war and occupation with no end in sight, while America's most pressing priorities at home are being neglected.

Last year, I opposed the congressional resolution that gave President Bush a blank check to use our military and I have been very critical of the administration's policy actions since then. Nonetheless, as reality presents itself today, all of us—our troops, the American people, the Iraqi people and the international community—have a major stake in a stable, secure, and successful transition of control for United States occupation, to the international community and eventually complete Iraqi sovereignty.

We cannot withdraw our troops and walk away from Iraq, but we must demand a better performance than the failure of this White House to appropriately plan for the reality of the situation in Iraq or in its dealings with the international community. President Bush must do a better job.

This week, I will be traveling in the Middle East and inside Iraq. I hope to see the reality of the situation—the successes and the problems—faced by United States troops, civilians and the people of Iraq. But even before going to Iraq, I know it is time for this administration to tone down its harsh, unproductive rhetoric, work in a bipartisan fashion with Congress and work more positively with the international community for an accountable and sustainable plan for Iraq. Finally, even though the time has long past, it is never too late for President Bush to be honest with the American people about the extended commitment and sacrifice, both militarily and financial, all Americans will have to make to be successful in Iraq. This is an enormous challenge and the credibility and prestige of the United States is at stake.

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

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

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

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

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. Yes, I am, in its present form.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the conference report on the bill H.R. 3289 to the committee of conference with instructions to the managers on the part of the House to—

(1) accept section 2319 of the Senate amendment (making $10,000,000,000 of the amounts provided under the subheading ''IRAQ RELIEF AND RECONSTRUCTION FUND'' available to be used as loans), and

(2) accept Title IV of the Senate amendment (providing $1,300,000,000 for veterans medical care).

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 198, nays 221, not voting 15, as follows:

[Roll No. 600]

YEAS—198

Abercrombie	Baird	Berry
Ackerman	Baldwin	Bishop (GA)
Alexander	Becerra	Bishop (NY)
Allen	Bell	Boswell
Andrews	Berkley	Boucher
Baca	Berman	Boyd

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

NAYS—221

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

NOT VOTING—15

Akin
Ballance
Blumenauer
Boehlert
Bradley (NH)
Case
Fletcher
Gephardt
Gutierrez
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Stupak
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 0006

Messrs. KUCINICH, NUSSLE, and BURTON of Indiana changed their vote from ''yea'' to ''nay.''

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 298, nays 121, not voting 15, as follows:

[Roll No. 601]

YEAS—298

Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Everett
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—121

Abercrombie
Ackerman
Baird
Baldwin
Becerra
Bell
Berry
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Duncan
Eshoo
Evans
Farr
Fattah
Frank (MA)
Grijalva
Harman
Hastings (FL)

Hinchey
Hoeffel
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lofgren
Majette
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Petri
Rahall
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Stark
Strickland
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Akin
Ballance
Blumenauer
Boehlert
Bradley (NH)
Case
Fletcher
Gephardt
Gutierrez
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Stupak
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that they have 2 minutes remaining to vote.

□ 0012

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Texas for the purpose of inquiring about the schedule for the coming week.

Mr. DELAY. I thank the gentleman from Maryland for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. for legislative business. We plan to consider H.R. 1829, the Federal Prison Industries Competition in Contracting Act of 2003, as well as H.R. 2443, the Coast Guard and Maritime Transportation Act of 2003.

□ 0015

We also expect to appoint conferees on several measures and to have additional conference reports ready for the House's consideration.

Finally, I would like to note for all members that we do not plan to have votes next Friday, November 7.

I thank the gentleman for yielding, and will be happy to answer any questions that he may have.

Mr. HOYER. I thank the gentleman for the information. I would note that earlier today, of course, we passed a continuing resolution that will fund the government through November 7, next Friday. We are not going to meet next Friday. It is my presumption, therefore, that the gentleman or the gentleman from Florida (Mr. YOUNG), or both of you, contemplate an additional CR.

You have not mentioned anything about the week of November 10 either, Mr. Leader. As you know, November 11 is Veterans' Day.

Assuming, as I assume, that we will not finish our business by the close of business on November 6, and in light of the fact the gentleman announced we will not be here on the seventh, can the gentleman for scheduling purposes give Members an idea of what might be the schedule for the week of November 10, again in light of the fact that November 11 is a day that most Members will want to be home with their veterans and citizens.

I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding. As the gentleman knows, the CR we passed earlier today does go through next Friday, and, as we get closer to next Friday, we will sometime next week have to reassess the progress of the various appropriations conferences and determine what length of time a likely additional CR would have to run.

We are going to spend a lot of time this weekend and the first of next week trying to figure out what the future holds. I do not expect us to have votes on Monday, November 10, or on Tuesday, November 11, which is Veterans' Day, as the gentleman has said. But on Wednesday, if we come back Wednesday, we would not have votes before 6:30 p.m.

We do anticipate having votes that week, but I just cannot say how late into the week we would be considering legislation.

I can say that we had hoped to finish the first session of this Congress by the first week of October, but, since that time, with the exception of the supplemental that we just passed, we basically have been waiting for the other body to catch up with us.

I have repeatedly predicted that we will soon reach the end, but, since we have not, and I am very disappointed that it does not look like we will reach the end by November 7, maybe it is best I just stop guessing as to when we are going to end. But we will give Members as much advance notice as we can. For right now, I must say that Members should not make any pre-Thanksgiving plans.

Mr. HOYER. I thank the leader for that observation. I think it is helpful that Members can be confident they can schedule events for the eleventh, Veterans' Day. I think that will be very helpful for Members.

The gentleman did not mention the FSC bill, the Foreign Sales Corporation bill. Can the gentleman tell us when you might expect that bill to be on the floor?

I yield to the gentleman.

Mr. DELAY. It is very difficult to say. Unfortunately, as these things happen, a lot of work is coming out of our Committee on Ways and Means. As the gentleman knows, the Committee on Ways and Means is very wrapped up in negotiations on the Medicare bill. They are also heavily involved in the energy conference, and they are just having a tough time getting all of this done. So we would hope we could do that bill some time next week, but we cannot predict that at this particular time, because next week is going to be heavily involved in the energy bill and the Medicare bill.

Mr. HOYER. I thank you, Mr. Leader. That was going to be my question. Does the gentleman expect both the energy conference report and the Medicare conference report, the prescription drug report, to be on the floor next week?

Mr. DELAY. Well, if the gentleman will yield further, we still hope to finish both of these bills before we complete the first session. There have been various discussions between both bodies, even though these discussions have not been formal in nature. At this point, I just cannot give a specific time frame for when these discussions will produce a recommendation for the conferees to consider and when the House would consider these final conference reports.

There are very difficult discussions going on. We had hoped that we could vote on these two bills next week, but just the physical writing of the bill on Medicare would take 8 to 10 days. So that is why I say Members should not make pre-Thanksgiving plans.

Mr. HOYER. Reclaiming my time, I thank the leader for his observations.

The leader and I, as the leader knows, have been having a lot of discussions about these conferences that are being held, somewhere, sometime, with some people.

I do not know whether the leader was informed, but the gentleman from New York (Mr. RANGEL) took the gentleman literally and found where a meeting at least was going on with the gentleman from California (Mr. THOMAS) and Secretary Thompson, and the gentleman from New York (Mr. RANGEL) and the gentleman from Arkansas (Mr. BERRY), both conferees appointed by the Speaker, went, opened the door, and went through the door with a number of Committee on Ways and Means Members.

I must tell the gentleman with great sadness, the gentleman from California (Mr. THOMAS) was not overwhelmingly happy to see them, which surprised me to no end, after our discussions and my conversation with the gentleman from New York (Mr. RANGEL), telling him how these conferences were going on

and you wanted to see a bill go through.

The gentleman might want to talk to the gentleman from California (Mr. THOMAS), because essentially he asked the gentleman from New York (Mr. RANGEL) to leave. We were shocked and chagrined and surprised, of course, that he would do such a thing.

I say this somewhat jocularly, obviously, but the gentleman from New York (Mr. RANGEL) and the gentleman from Arkansas (Mr. BERRY) were not invited to this meeting, and, if these bills come to the floor next week, they are going to do so without having any Democrat participate in any substantive discussions on the prescription drug bill.

The leader is correct, it is a complicated bill, an incredibly important bill, and both sides have expressed strong support for adopting a prescription drug plan for our seniors. There are obviously differences on what ought to be in that plan.

But I would again say to the leader, notwithstanding your belief, I think the gentleman may be not informed as fully as he might be, because we continue to have great difficulty finding out where these conferences that the gentleman has been talking about and that the gentleman and I have been talking about, where they are going on, when they are being scheduled and who is supposed to participate. We have been talking about this, and, at some point in time, we really do expect that we will be invited to the conferences.

We had a serious bill and we had some disruption on the floor today, Mr. Leader, with reference to the FAA reauthorization bill. We recommitted the bill from this floor to conference. No conference occurred. No Democrats were invited to attend. As far as we know, no conference ever occurred. The bill reappeared, however, with a change.

Mr. Leader, we do not think that is in the best interests of this institution, we do not think it is in the best interests of the country, and we do not think it is in the best interests of passing legislation, conference reports, which have broad-based support.

I know, as the leader says, these are difficult, and I do not doubt that the leader is absolutely correct, that when an agreement is reached, it is going to take 7 or 8 days for the staff to put it together and in shape. I think the leader is probably correct on that.

I am hopeful that even if we are never invited, which seems to be the practice to date, that, at the very least, when somebody, somewhere, in some room, somehow makes a decision as to the bill that is going to be reported to the floor, that, at the very least, we get a copy of that bill in a timely fashion so, as complex a bill as you correctly observe it is, we have the time to analyze it, digest it and determine what we want to do on that bill.

I would hope that these comments would be taken in a constructive way, Mr. Leader, because I am very serious about the fact that I have participated, the gentleman has participated, we talked about this in conference committees where we sat down, we talked about it. I can remember the gentleman and I agreeing on some and disagreeing on some in conference, in HC–5 in particular, where we had large numbers of people participating in conferences. I thought those were positive, productive, and reflective of what our democratic legislative process ought to be.

We are very distressed on this side of the aisle that that does not appear to be happening. I would hope that you, Mr. Leader, as the majority leader, frankly, as the person most responsible for the schedule, but also one of the most significant leaders in this House, that you would try to work in a very positive way in bringing about conferences, which, again, include the conferees appointed by the Speaker of the House.

I yield to the gentleman if he would like to make any comments.

Mr. DELAY. I appreciate the gentleman yielding. The gentleman brings up many different issues, and I appreciate his concern.

Let me just try to answer in this way. On the FAA reauthorization conference report, as the gentleman knows, there were formal conferences held during the whole process of that bill. Many issues were discussed with all the conferees.

To be honest with the gentleman, I think it was unfortunate that a formal conference was not called on that bill this week, and I will work to make sure that we follow the rules of the House and formal conferences are held before those conference reports come back to the floor.

But I must say that the gentleman knows that it is not unusual to have discussion groups, meetings with all kinds of different people as conference recommendations are being put together for a formal conference meeting. I can assure the gentleman that on the Medicare bill and on the energy bill, formal conferences will be held before those bills come to the floor in the form of a conference report. But just to make this place work, there has to be a lot of meetings, and there is a lot of time spent together with a lot of people to get these big bills put together.

The gentleman said that no Democrats have been included in the discussions on the Medicare bill. There are Democrats being consulted in many different forums, including regular discussion groups, so there is Democrat input in the Medicare conference discussions.

Mr. HOYER. Reclaiming my time, I thank the leader for his observation. I must, however, say the information he has is different from the information I have on the conference.

On the FAA, for instance, there was a meeting on July 24 in which there was no paper, no markup notes, no chairman's mark, no suggested bill, and that was the last meeting, to which the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democrat, who, as you well know, worked hand in glove with Mr. SHUSTER and with the gentleman from Alaska (Mr. YOUNG) over the years on those committees, simply did not participate. I agree with you, Mr. Leader, on that.

Mr. DELAY. If the gentleman will yield, that is consistent with what I said, in that formal conferences were held on that bill.

□ 0030

In fact, the major contentious issue that we debated this week on that bill was dealt with in the conference, as I am informed, as an amendment. So there was discussion and debate on the conference report.

What I was referring to was the process which was kind of an unusual process in its own right, of recommitting to a conference, making adjustments to the bill, and bringing it right back. Even with that and all of the discussion that has been going on about this bill, both in formal meetings and informal meetings, frankly, a formal conference should have been held before we brought that conference report to the floor.

Mr. HOYER. Mr. Speaker, reclaiming my time, I understand that, and I appreciate that. I appreciate the gentleman's observation. We agree: a formal conference should have been held. Because it was not, the majority had to waive the rule in the rule that was presented on the floor of the House.

With respect to the energy bill and Medicare, I would tell the gentleman in neither case, in the energy bill nor in the prescription drug bill, did the Democratic conferees believe there has been a conference in either instance, in either one of these very important issues on which there have been any kind of discussions regarding the substance of those bills. I simply observe that that is shutting out the representatives of 130 million Americans on our side of the aisle to give their perspective, in conference, with conferees appointed by the Speaker.

Now, we all understand that we have discussions with Democrats on our side and there are discussions with Republicans on your side, talking about strategy, talking about compromise, talking about how to work things out. That is understandable. That is necessary. It always and must occur. However, at some point in time, the conferees, we suggest to the gentleman respectfully, need to be included in discussions, not in a pro forma conference at the end of the process, being informed what the bill is. That, frankly, is all that has been happening.

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I just have to correct the gentleman. There have been, I do not recall how many formal conferences have been called on the energy bill, but I know more than one has

been called on the energy bill. I am on the conference on the Medicare bill. I have attended two formal conferences on the Medicare bill, and the House Democrats that are conferees have attended both of those formal conferences on the Medicare bill.

As I have said many times on this floor when approached by the gentleman with his concerns, we are holding conferences with Democrats of this House, not conferences; we are holding discussions. I know the chairman of the Committee on Ways and Means and the chairman of the Committee on Energy and Commerce have informed me that there have been many discussions with the Democrats, including the ranking member. Not many, but there have been many discussions that include different groups of Democrats about what they would like to see in this bill, including the ranking member. I think, I could be corrected, but I think there was a meeting with the chairman of the Committee on Ways and Means and the ranking member and other Democrats on the Committee on Ways and Means about the Medicare bill just this week.

So whenever there is a formal conference, the conferees that have been appointed by the Speaker are invited to that conference, and there will be a formal conference before that Medicare bill comes to this floor, as in the form of a conference report.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the leader for his observation. We, I think, are getting different information from our principals. The gentleman from Michigan (Mr. DINGELL) and the gentleman from New York (Mr. RANGEL), I think, do not share that same view as to whether or not they have been included, two of our most senior Members of this House, two Members deeply concerned about both issues.

In any event, Mr. Leader, I appreciate the gentleman clarifying the schedule for next week and the week thereafter. That will be helpful to our Members.

ADJOURNMENT TO TUESDAY, NOVEMBER 4, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, November 4, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. 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 Texas?

There was no objection.

APPOINTMENT AS MEMBER TO LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 note), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following member on the part of the House to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon:

Mrs. Elisabeth DeVos, Grand Rapids, Michigan.

UNITED STATES CONTINUES TO BREAK LAW

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

Mr. MCDERMOTT. Mr. Speaker, as the President announced that everything is fine in Iraq, the Red Cross is leaving, the Doctors Without Borders is leaving, and the United States continues to break the law. The problem there is we say we want to establish the rule of law, but we break it. The U.S. provisional authority in Iraq is breaking international law from the 1907 Hague Convention and the Geneva Convention.

On September 19, the viceroy, Mr. Bremer, said anybody will now be permitted to have full ownership of a wide range of state-owned Iraq assets. That violates the 1925 constitution which has been in effect and has not been changed by the people which bars private ownership of natural resources or the means of production. It prohibits the foreign ownership of real estate or the establishment of companies in Iraq by non-Arab foreigners.

We cannot bring democracy to a country and fail to bring the rule of law. The United States is talking out of both sides of its mouth.

Mr. Speaker, I include for the RECORD an article from the New York Times, dated October 29, titled, ''Iraq Business Deals May Be Invalid, Law Experts Warn.''

[From the New York Times, Oct. 29, 2003]

IRAQ BUSINESS DEALS MAY BE INVALID, LAW EXPERTS WARN

(by Thomas Catan)

The US-led provisional authority in Iraq may be breaking international law by selling state assets, experts have warned, raising the prospect that contracts signed now by foreign investors could be scrapped by a future Iraqi government.

International business people attending a conference in London this week heard that some orders issued by the US-led Coalition Provisional Authority (CPA) may be in breach of the 1907 Hague Regulations and the Fourth Geneva Convention.

''Is what they are doing legitimate, is it legal?'' asked Juliet Blanch, a partner at the London-based international law firm Norton Rose. ''Most [experts] believe that their actions are not legal'', she said. ''There would be no requirement for a new government to ratify their [actions].''

International law obliges occupying powers to respect laws already in force in a country ''unless absolutely prevented'' from doing so.

According to international law experts, that throws doubt on the legality of the CPA's September 19 order opening the Iraqi economy to foreign investment. In what amounted to a blueprint for transforming Iraq into a market economy, Order 39 permitted full foreign ownership of a wide range of state-owned Iraqi assets, barring natural resources such as oil.

However, such sweeping economic reform may not be legal, as the UK government was privately warned by its chief law officer in the first days of the war. In his private advice, later leaked to the press, Lord Goldsmith wrote that ''the imposition of major structural economic reforms would not be authorised by international law.''

The British government will not now comment on the attorney general's advice, which it maintains was confidential.

Questioned in parliament by Shirley Williams, the Liberal Democrat leader of the House of Lords, a minister argued that the government was ''confident that their policies and actions in Iraq are right and consistent with the UK's international obligations.''

However, international experts say foreign investors could face a wide range of legal problems in Iraq. Not least is the fact that Order 39 is ''strictly contrary to the Iraqi constitution,'' according to Stephen Nelson, a partner at Squire, Sanders & Dempsey, speaking before the conference on Monday.

Indeed, the Iraqi constitution—which cannot legally be altered without the consent of the Iraqi people—contains a wide range of other provisions that could be highly troublesome for foreign investors.

Iraqi law bans private ownership of ''national'' resources or ''the basic means of production''. It also prohibits foreign ownership of real estate or the establishment of companies in Iraq by non-Arab foreigners.

There is also the question of what will happen to existing contracts with foreign companies, signed with the government of Saddam Hussein.

The CPA has yet to announce what will become of pre-existing contracts, many of which are held by Russian, Chinese and French companies.

However, international law experts have said they could be enforced, raising the possibility that contracts with the ousted regime might be more enforceable than those signed with the CPA.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLER of North Carolina (at the request of Ms. PELOSI) for October 29 after 5:30 p.m. and the balance of the week on account of official business.

Ms. LINDA T. SÁNCHEZ of California (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. ISAKSON (at the request of Mr. DELAY) for today until 1:00 p.m. on account of addressing the Georgia Department of Adult and Technical Education in Savannah.

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. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, November 6.

Mr. MCCOTTER, for 5 minutes, November 5.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1590. An act to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the ''James E. Davis Post Office Building''; to the Committee on Government Reform.

S. 1718. An act to designate the facility of the United States Postal Service, located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the ''Senator James B. Pearson Post Office''; to the Committee on Government Reform.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration.

H.R. 1610. An act to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building''.

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office Building''.

H.R. 1883. An act to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office Building''.

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rogers Post Office Building''.

H.R. 2254. An act to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office Building''.

H.R. 2309. An act to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the ''Stephen Horn Post Office Building''.

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''.

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the ''Francisco A. Martinez Flores Post Office Building''.

H.R. 2452. An act to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the ''Brian C. Hickey Post Office Building''.

H.R. 2533. An act to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia as the ''J.C. Lewis, Jr. Post Office Building''.

H.R. 2746. An act to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''.

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California as the ''Bob Hope Post Office Building''.

H.J. Res 52. Joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 470. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 926. An act to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 37 minutes a.m., Friday, October 31, 2003), under its previous order, the House adjourned until Tuesday, November 4, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4986. A letter from the Regulatory Contact, GIPSA, Department of Agriculture, transmitting the Department's final rule — Official Performance Requirements for Grain Inspection Equipment (RIN: 0580-AA57) received October 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4987. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0327; FRL-7330-4] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4988. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Admiral Robert J. Natter, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

4989. A letter from the Staff Attorney, Tort Claims and Litigation Division, Air Force Legal Services Agency, Department of Defense, transmitting the Department's final rule — Tort Claims — received September 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4990. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Unique Item Indentification and Valuation [DFARS Case 2003-D081] received October 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4991. A letter from the Assistant General Counsel, Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program (RIN: 1505-AA98) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4992. A letter from the Assistant General Counsel, Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program (RIN: 1505-AA99) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4993. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7438] received October 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4994. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Designation of Round III Urban Empowerment Zones and Renewal Communities [Docket No. FR-4663-F-07] (RIN: 2506-AC09) Receceived October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4995. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Loan Interest Rates — received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4996. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule — Labor Organization Annual Financial Reports (RIN: 1215-AB34) received October 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4997. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA284-0407a; FRL-7577-1] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4998. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans For Designated Facilities; Puerto Rico [Region 2 Docket No. PR11-267a; FRL-7581-1] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4999. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 196-1196a; FRL-7580-5] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5000. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona [AZ

115-0058a; FRL-7573-9] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5001. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; States of Montana and Wyoming; Revisions to the Administrative Rules of Montana; New Source Performance Standards for Wyoming and Montana [SIP NO. MT-001-0047a, WY-001-0010a, WY-001-0011a, WY-001-0012a; FRL-7573-2] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5002. A letter from the Deputy Division Chief, WTB/POL, Federal Communication Commission, transmitting the Commission's final rule — Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones [WT Docket No. 01-309 RM-8658] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5003. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2, 25, and 97 of the Commission's Rules with Regard to the Mobile-Satellite Service Above 1 GHz [ET Docket No. 98-142] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5004. A letter from the Associate Chief, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended [CC-Docket No. 99-273] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5005. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to the proliferation of weapons of mass destruction and their delivery systems is to continue in effect beyond November 14, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—138); to the Committee on International Relations and ordered to be printed.

5006. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to Sudan is to continue in effect beyond November 3, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—139); to the Committee on International Relations and ordered to be printed.

5007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the Pacific Ocean (international waters) (Transmittal No. DTC 101-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5008. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5009. A letter from the Director, Executives, Resources and Special Programs Division, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5010. A letter from the Director, Executives, Resources and Special Programs Division, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5011. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-16; Introduction — received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5012. A letter from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting the Office's final rule — Federal Employee's Group Life Insurance Program: Removal of Premiums and Age Bands From Regulations (RIN: 3206-AJ46) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5013. A letter from the Director, Center for Employee and Family Support, Office of Personnel Management, transmitting the Office's final rule — Health Insurance Premium Conversion (RIN: 3206-AJ17) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5014. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of Lesquerella filiformis (Missouri Bladderpod) from Endangered to Threatened (RIN: 1018-AH59) received October 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5015. A letter from the Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting the Department's final rule — Environmental Review Procedures for Entities Assuming HUD's Environmental Responsibilities [Docket No. FR-4523-F-02] (RIN: 2501-AC83) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5016. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-3037-02; I.D.100703C] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 3289. A bill 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 (Rept. 108–337). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 424. Resolution waiving points of order against the conference report to accompany 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 (Rept. 108–338). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISTOOK (for himself, Mr. LUCAS of Oklahoma, Mr. COLE, Mr. SULLIVAN, and Mr. CARSON of Oklahoma):

H.R. 3406. A bill to amend the Oklahoma City National Memorial Act of 1997 to transfer the Oklahoma City National Memorial to the Oklahoma City National Memorial Foundation, and for other purposes; to the Committee on Resources.

By Ms. LOFGREN (for herself, Mr. BACA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mrs. DAVIS of California, Mr. DOOLEY of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HONDA, Mr. LANTOS, Ms. LEE, Mr. MATSUI, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. PELOSI, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. BECERRA, and Mr. STARK):

H.R. 3407. A bill making an emergency supplemental appropriation for disaster relief activities associated with the California wildfires; to the Committee on Appropriations.

By Mr. BISHOP of New York (for himself, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. HOLT, Mr. KILDEE, Mr. CASE, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. DAVIS of Illinois, Mr. ANDREWS, Mr. VAN HOLLEN, Ms. MCCOLLUM, Mr. OWENS, Mr. KUCINICH, Mr. HINOJOSA, Ms. MAJETTE, Mrs. MCCARTHY of New York, and Mr. TIERNEY):

H.R. 3408. A bill to amend the Higher Education Act of 1965 to improve college access through experiential education; to the Committee on Education and the Workforce.

By Mr. BISHOP of New York (for himself, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, and Mr. ACKERMAN):

H.R. 3409. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 relating to the dumping of dredged material in certain areas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Florida (for himself, Mr. SHAW, Mr. ACEVEDO-VILA, Ms. GINNY BROWN-WAITE of Florida, and Mr. OTTER):

H.R. 3410. A bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for water and sewage facilities; to the Committee on Ways and Means.

By Mr. EMANUEL (for himself, Mr. SHAYS, Ms. DELAURO, Mr. FRANK of Massachusetts, Mrs. MCCARTHY of New York, Mr. MOORE, Ms. SLAUGHTER, Mr. CROWLEY, Mr. HOEFFEL, Mr. BLUMENAUER, Mr. VAN HOLLEN, Mrs. TAUSCHER, Mrs. MALONEY, Mr. GONZALEZ, Mrs. JONES of Ohio, Ms. CARSON of Indiana, Mr. MCGOVERN, Mr. WEXLER, Mr. PASTOR, Mr. GRIJALVA, Ms. LINDA T. SANCHEZ of California, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Ms. ESHOO, Mr. CLAY, and Mr. KUCINICH):

H.R. 3411. A bill to prevent any adult who, as a juvenile, committed an offense that would be a crime of violence if committed by an adult, from possessing a firearm; to the Committee on the Judiciary.

By Mr. ENGLISH:

H.R. 3412. A bill to amend the Internal Revenue Code of 1986 to expand incentives for education; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. TOM DAVIS of Virginia, and Mr. WAXMAN):

H.R. 3413. A bill to amend title 38, United States Code, to prohibit additional daily interest charges following prepayment in full of housing loans guaranteed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ (for himself and Mr. RODRIGUEZ):

H.R. 3414. A bill to prohibit offering homebuilding purchase contracts that contain in a single document both a mandatory arbitration agreement and other contract provisions, and to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract; to the Committee on Financial Services.

By Mr. KING of Iowa (for himself, Mr. SHADEGG, Mr. SESSIONS, Mr. GUTKNECHT, Mrs. MUSGRAVE, Mr. PITTS, Mr. JONES of North Carolina, Mr. GOODE, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. DOOLITTLE, Mr. FRANKS of Arizona, Mr. HOEKSTRA, Mr. BEAUPREZ, Mr. CHOCOLA, Mr. RYUN of Kansas, Mr. TERRY, Mr. CRANE, Mr. HENSARLING, Mr. MILLER of Florida, Mr. RYAN of Wisconsin, Mr. WILSON of South Carolina, Mr. HOSTETTLER, Mr. PENCE, Mr. TANCREDO, Mr. GARRETT of New Jersey, and Mr. BARRETT of South Carolina):

H.R. 3415. A bill to improve the program of temporary Federal fiscal assistance to States; to the Committee on Government Reform.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KIND, Mr. KUCINICH, Mr. WU, Mr. HOLT, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. CASE, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. RYAN of Ohio, and Mr. BISHOP of New York):

H.R. 3416. A bill to reauthorize and make improvements to child nutrition programs; to the Committee on Education and the Workforce.

By Mr. ROTHMAN:

H.R. 3417. A bill to amend title 49, United States Code, to prohibit the operation in certain metropolitan areas of civil subsonic turbojets that fail to comply with stage 3 noise levels; to the Committee on Transportation and Infrastructure.

By Mr. ROTHMAN:

H.R. 3418. A bill to improve the quality of life and safety of persons living and working near railroad tracks; to the Committee on Transportation and Infrastructure.

By Mr. ROTHMAN:

H.R. 3419. A bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. DAVIS of Illinois, Mr. FARR, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HINOJOSA, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KIND, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCNULTY, Mr. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. OWENS, Mr. PALLONE, Mr. REYES, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mrs. TAUSCHER, Ms. WATSON, Mr. WEINER, Mr. WU, Ms. BALDWIN, Ms. MCCOLLUM, Ms. WATERS, Ms. BERKLEY, and Mr. KUCINICH):

H.R. 3420. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H.R. 3421. A bill to designate the facility of the United States Postal Service located at 30 West Bel Air Avenue in Aberdeen, Maryland, as the ''Ripken Post Office Building''; to the Committee on Government Reform.

By Mr. SERRANO (for himself, Mr. LEACH, Mr. ALLEN, Ms. BALDWIN, Mr. BISHOP of Georgia, Mr. CARSON of Oklahoma, Mr. CONYERS, Mr. DELAHUNT, Mr. EVANS, Mr. FARR, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. KLECZKA, Mr. LAHOOD, Mr. LAMPSON, Ms. LEE, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. SABO, Mr. SANDERS, Mr. SHAYS, Mr. STARK, Mr. THOMPSON of California, Mr. TOWNS, Mr. TURNER of Texas, Ms. VELAZQUEZ, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 3422. A bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Agriculture, Financial Services, Government Reform, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 3423. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for health insurance costs, to allow employees who elect not to participate in employer subsidized health plans an exclusion from gross income for employer payments in lieu of such participation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Ms. SLAUGHTER, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. ABERCROMBIE, Mr. MCNULTY, Mr. STARK, Ms. CARSON of Indiana, Ms. LINDA T. SANCHEZ of California, Ms. MAJETTE, Ms. ROYBAL-ALLARD, Ms. CORRINE BROWN of Florida, Ms. NORTON, Ms. KILPATRICK, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3424. A bill to authorize the establishment of domestic violence court systems from amounts available for grants to combat violence against women; to the Committee on the Judiciary.

By Ms. SOLIS (for herself, Ms. SLAUGHTER, Mrs. CAPITO, Ms. LEE, Ms. CARSON of Indiana, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. FILNER, and Mr. GREEN of Texas):

H.R. 3425. A bill to provide grants for public information campaigns to educate racial and ethnic minority communities and immigrant communities about domestic violence; to the Committee on the Judiciary.

By Mr. WYNN (for himself, Mr. KANJORSKI, Ms. BALDWIN, Mr. BOSWELL, Mrs. CAPPS, Ms. CARSON of Indiana, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HOEFFEL, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LAMPSON, Mr. LEACH, Mr. LEVIN, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCINTYRE, Mr. MICHAUD, Mr. MOORE, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. UDALL of Colorado, Ms. WATSON, Mr. WAXMAN, and Ms. ROYBAL-ALLARD):

H.R. 3426. A bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes; to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H.R. 3427. A bill to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes; to the Committee on Resources.

By Mr. CANNON (for himself, Mr. LANTOS, Mr. LATOURETTE, Mr. FROST, Mr. BELL, Mr. WEXLER, Mr. BERMAN, Mr. WAXMAN, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. ISRAEL, Ms. BERKLEY, Mr. NADLER, Ms. ROS-LEHTINEN, Mr. CANTOR, Mrs. LOWEY, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. DEUTSCH, and Mr. ACKERMAN):

H. Con. Res. 316. Concurrent resolution recognizing that November 2, 2003, shall be dedicated to ''A Tribute to Survivors''at the United States Holocaust Memorial Museum; to the Committee on Resources.

By Mr. HOEFFEL:

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress with respect to the form of cancer known as mesothelioma; to the Committee on Government Reform.

By Mr. KINGSTON (for himself, Mr. JONES of North Carolina, Mr. WICKER, Mr. ISTOOK, Mr. COX, Mr. PITTS, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. MCKEON, Mr. HERGER, Mr.

MARIO DIAZ-BALART of Florida, Mr. HAYWORTH, Mr. LEWIS of Kentucky, Mr. WELDON of Pennsylvania, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. OSBORNE, and Mr. POMBO):

H. Con. Res. 318. Concurrent resolution expressing the sense of the Congress that American colleges and universities should adopt an Academic Bill of Rights to secure the intellectual independence of faculty members and students and to protect the principle of intellectual diversity; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, and Mr. SMITH of New Jersey):

H. Con. Res. 319. Concurrent resolution expressing the grave concern of Congress regarding the continuing repression of the religious freedom and human rights of the Iranian Baha i community by the Government of Iran; to the Committee on International Relations.

By Mrs. DAVIS of California (for herself, Mr. HUNTER, Mr. CUNNINGHAM, and Mr. FILNER):

H. Res. 425. A resolution recognizing and honoring the firefighters and other public servants who responded to the October, 2003, historically devastating, outbreak of wildfires in Southern California; to the Committee on Government Reform.

By Mr. HINCHEY (for himself, Mr. BOEHLERT, Mr. SERRANO, Mr. SMITH of Texas, Mrs. MALONEY, Mr. NADLER, Mr. FILNER, Mr. RANGEL, Mr. KIRK, Mr. OWENS, Mr. WALSH, and Mr. WEINER):

H. Res. 426. A resolution congratulating Jeffrey Sean Lehman on his appointment to the presidency of Cornell University; to the Committee on Education and the Workforce.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. SMITH of New Jersey, Ms. LOFGREN, Mr. TOM DAVIS of Virginia, and Mr. ROYCE):

H. Res. 427. A resolution expressing the sense of the House of Representatives regarding the courageous leadership of the Unified Buddhist Church of Vietnam and the urgent need for religious freedom and related human rights in the Socialist Republic of Vietnam; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. BRADLEY of New Hampshire.
H.R. 276: Mr. PETRI.
H.R. 290: Ms. CARSON of Indiana.
H.R. 296: Mr. KIND.
H.R. 333: Mrs. JONES of Ohio and Mr. CUMMINGS.
H.R. 450: Mr. LARSEN of Washington.
H.R. 476: Mr. ALEXANDER.
H.R. 548: Mr. MCCOTTER and Mr. NORWOOD.
H.R. 693: Mr. MOORE.
H.R. 713: Mr. CASE, Mr. SIMMONS and Mr. HOEKSTRA.
H.R. 776: Ms. LEE.
H.R. 785: Mr. SHAYS.
H.R. 832: Mr. MEEK of Florida.
H.R. 852: Mr. COOPER.
H.R. 876: Mr. BLUNT, Mr. GARRETT of New Jersey, Mr. MURTHA, Mrs. KELLY, and Ms. KAPTUR.
H.R. 880: Mr. MICHAUD.
H.R. 898: Mr. PLATTS.
H.R. 936: Mr. DAVIS of Alabama.
H.R. 979: Mr. TIERNEY.
H.R. 992: Mr. KING of Iowa.
H.R. 993: Mr. KING of Iowa.
H.R. 994: Mr. KING of Iowa.
H.R. 997: Mr. ADERHOLT, Mr. CULBERSON, Mr. ROHRABACHER, and Mr. BURNS.
H.R. 1097: Mr. EMANUEL and Mr. CROWLEY.
H.R. 1215: Mr. CASE, Mr. GRIJALVA, and Mr. NADLER.
H.R. 1216: Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mr. NADLER.
H.R. 1217: Ms. KILPATRICK, Mr. GRIJALVA, and Mr. NADLER.
H.R. 1218: Mr. GRIJALVA.
H.R. 1243: Mr. ALEXANDER.
H.R. 1258: Mr. WYNN and Mrs. LOWEY.
H.R. 1285: Mr. HONDA and Mr. PASCRELL.
H.R. 1322: Mr. BRADY of Pennsylvania and Mr. DOYLE.
H.R. 1345: Ms. WATERS and Mr. MOORE.
H.R. 1349: Mr. MURTHA.
H.R. 1372: Mr. BOUCHER, Mr. WICKER, and Ms. CARSON of Indiana.
H.R. 1411: Mr. CONYERS, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, and Mrs. JONES of Ohio.
H.R. 1414: Mr. LEACH.
H.R. 1600: Mr. MEEKS of New York, Mrs. CHRISTENSEN, and Mr. WEXLER.
H.R. 1639: Mr. PRICE of North Carolina.
H.R. 1680: Mr. DEFAZIO, Mr. HINCHEY, and Mrs. JO ANN DAVIS of Virginia.
H.R. 1684: Mr. KUCINICH, Mrs. DAVIS of California, Mr. MATSUI, and Mrs. MALONEY.
H.R. 1689: Mr. GRIJALVA.
H.R. 1722: Mr. FROST.
H.R. 1737: Mr. DAVIS of Florida.
H.R. 1746: Ms. KAPTUR, Mr. SABO, and Ms. SOLIS.
H.R. 1749: Mr. POMEROY.
H.R. 1783: Mr. TERRY and Mr. MILLER of Florida.
H.R. 1787: Mr. OWENS, Ms. DELAURO, and Mr. BRADY of Pennsylvania.
H.R. 1800: Mr. DAVIS of Illinois.
H.R. 1811: Mr. MCHUGH, Ms. CARSON of Indiana, Mr. MATHESON, Mr. BURTON of Indiana, and Mr. LANGEVIN.
H.R. 1895: Mrs. JONES of Ohio and Ms. LEE.
H.R. 1902: Mrs. LOWEY.
H.R. 1919: Mr. RYAN of Ohio and Ms. LEE.
H.R. 1933: Mr. PETERSON of Minnesota.
H.R. 1993: Mr. GRIJALVA and Mr. WYNN.
H.R. 2238: Mr. DOGGETT.
H.R. 2239: Mr. FROST, Ms. CARSON of Indiana, Ms. WATSON, and Mr. JACKSON of Illinois.
H.R. 2258: Mr. DOGGETT.
H.R. 2316: Mr. GREEN of Texas, Mr. JENKINS, Mr. BOUCHER, Ms. DEGETTE, Ms. LOFGREN, and Ms. SCHAKOWSKY.
H.R. 2318: Mr. BLUMENAUER and Mrs. CAPPS.
H.R. 2356: Mr. EHLERS, Mr. GREEN of Texas, and Mr. KINGSTON.
H.R. 2366: Mr. ISRAEL, Mr. MEEKS of New York, and Mr. WEXLER.
H.R. 2394: Mr. BACA and Mr. CLAY.
H.R. 2402: Mr. OLVER.
H.R. 2434: Ms. LOFGREN.
H.R. 2442: Mr. BACA, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. MEEHAN, Mr. ACEVEDO-VILA, Mrs. CAPPS, and Mr. HINOJOSA.
H.R. 2491: Ms. SCHAKOWSKY.
H.R. 2492: Mr. LOBIONDO, Ms. HARRIS, Mr. PAUL, and Mr. MCINTYRE.
H.R. 2527: Mr. BELL.
H.R. 2626: Ms. MCCOLLUM and Mr. BRADY of Pennsylvania.
H.R. 2628: Mr. ISRAEL, Mr. SERRANO, Mr. ALLEN, and Mr. SANDERS.
H.R. 2670: Mr. OWENS.
H.R. 2695: Mr. SHUSTER.
H.R. 2719: Ms. ROS-LEHTINEN, Mr. BAKER, and Mr. TAYLOR of North Carolina.
H.R. 2768: Mr. MCNULTY, Mr. GONZALEZ, Mr. VAN HOLLEN, and Mr. VISCLOSKY.
H.R. 2843: Mr. KENNEDY of Rhode Island, and Mr. CANNON.
H.R. 2894: Mr. TAYLOR of Mississippi, Mr. PICKERING, and Mr. WICKER.
H.R. 2905: Mr. PRICE of North Carolina and Mr. OLVER.
H.R. 2944: Mr. WYNN and Mr. SNYDER.
H.R. 2945: Mr. MEEK of Florida.
H.R. 2948: Mr. FROST.
H.R. 3022: Ms. LOFGREN.
H.R. 3063: Ms. BERKLEY.
H.R. 3078: Mr. ACKERMAN, Mr. RAHALL, Ms. LINDA T. SANCHEZ of California, and Mr. LYNCH.
H.R. 3085: Mr. DOGGETT.
H.R. 3104: Mr. EHLERS and Ms. HARMAN.
H.R. 3111: Mr. MEEHAN.
H.R. 3120: Ms. LOFGREN.
H.R. 3123: Ms. DELAURO and Ms. SOLIS.
H.R. 3125: Mr. ISAKSON, Mr. GIBBONS, and Mr. HOEKSTRA.
H.R. 3133: Mr. MICHAUD and Ms. WOOLSEY.
H.R. 3134: Ms. HART and Ms. SLAUGHTER.
H.R. 3139: Mr. HOLT.
H.R. 3142: Mrs. BONO, Ms. ROS-LEHTINEN, Ms. CORRINE BROWN of Florida, Mr. WYNN, Mr. GARRETT of New Jersey, and Mr. SCHIFF.
H.R. 3173: Mr. OWENS.
H.R. 3178: Ms. MCCARTHY of Missouri, Mr. CASE, Ms. WOOLSEY, Mr. PRICE of North Carolina, Mr. JEFFERSON, Mr. BROWN of Ohio, Mr. SESSIONS, Mr. GOODE, Ms. DELAURO, and Mr. CUMMINGS.
H.R. 3190: Mr. SOUDER, Mr. FRANKS of Arizona, and Mr. MCHUGH.
H.R. 3193: Mr. FORBES, Mr. MURTHA, Mr. BONILLA, Mr. PETRI, Ms. HART, Mr. RODRIGUEZ, Mr. TAUZIN, Mr. BUYER, Ms. PRYCE of Ohio, Mr. UPTON, Mr. REYNOLDS, and Mr. JENKINS.
H.R. 3194: Mr. HINOJOSA.
H.R. 3204: Mr. GREENWOOD, Ms. HART, and Mr. ENGLISH.
H.R. 3215: Mr. CANNON, Mr. NEUGEBAUER, and Mr. BAKER.
H.R. 3220: Mr. COLE, Mr. DEMINT, and Ms. HART.
H.R. 3244: Mr. BRADY of Pennsylvania.
H.R. 3259: Mr. ENGLISH, Ms. LOFGREN, and Mr. OWENS.
H.R. 3274: Mr. BARTLETT of Maryland, Mr. BOYD, and Mr. MEEHAN.
H.R. 3276: Mr. ALLEN.
H.R. 3277: Mr. WILSON of South Carolina, Mr. DICKS, Mr. BARTLETT of Maryland, Mr. SCHROCK, Mrs. DAVIS of California, and Mr. HUNTER.
H.R. 3294: Mr. KING of New York and Mr. SESSIONS.
H.R. 3313: Mr. TERRY.
H.R. 3323: Mr. SOUDER.
H.R. 3344: Ms. HART, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. RANGEL, Mr. FROST, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 3349: Mr. BERMAN and Mr. CONYERS.
H.R. 3350: Mr. ACEVEDO-VILA.
H.R. 3352: Mr. PASTOR.
H.R. 3353: Mr. KUCINICH and Mr. CLAY.
H.R. 3358: Mr. BRADY of Texas and Mr. GINGREY.
H.R. 3364: Mr. GOODLATTE, Mr. OTTER, and Mr. BARRETT of South Carolina.
H.R. 3386: Mr. BALLANCE, Mr. RUSH, Ms. NORTON, Mr. JACKSON of Illinois, and Ms SCHAKOWSKY.
H.R. 3387: Mr. FILNER.
H.R. 3402: Mr. ROSS.
H.J. Res. 22: Ms. HART, and Mr. GARY G. MILLER of California.
H. Con. Res. 37: Mr. BAKER.
H. Con. Res. 86: Ms. NORTON.
H. Con. Res. 94: Mr. SANDERS, Mr. ROGERS of Kentucky, Mr. ALLEN, and Mr. MATHESON.
H. Con. Res. 186: Mr. HINOJOSA.
H. Con. Res. 242: Mr. ACKERMAN, Mr. LANTOS, Ms. ROS-LEHTINEN, Mrs. TAUSCHER, Mr. EVANS, and Mr. TERRY.
H. Con. Res. 247: Mr. LEVIN and Mr. LIPINSKI.
H. Con. Res. 269: Mr. DAVIS of Illinois.
H. Con. Res. 276: Mr. TIERNEY.
H. Con. Res. 304: Mr. PALLONE and Mr. CLAY.

H. Con. Res. 306: Mr. COLE.

H. Con. Res. 307: Mr. CARDOZA, Mr. JONES of North Carolina, Mr. SOUDER, Mr. WAXMAN, Mr. SAXTON, and Mr. DEUTSCH.

H.R. 38: Ms. WOOLSEY and Mr. GONZALEZ.

H. Res. 42: Mr. KING of Iowa.

H. Res. 307: Mr. ROTHMAN and Mr. STARK.

H. Res. 313: Mr. ALEXANDER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. STRICKLAND.

H. Res. 354: Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. CASE, Mr. GREEN of Texas, Ms. LOFGREN, Mr. CUMMINGS, and Mr. OWENS.

H. Res. 371: Mr. WEXLER, Mr. BELL, Mr. TOM DAVIS of Virginia, Mr. BURTON of Indiana, Mr. BERMAN, Mr. BALLENGER, Mr. ROYCE, Mr. ISSA, Mr. CHABOT, Mr. CROWLEY, and Mr. MCCOTTER.

H. Res. 385: Mr. CONYERS and Mr. WEXLER.

H. Res. 387: Mr. WOLF, Mr. GOSS, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. MILLER of North Carolina, Mr. RUPPERSBERGER, Mr. BOUCHER, Ms. CORRINE BROWN of Florida.

H. Res. 393: Mr. KING of New York, Ms. HOOLEY of Oregon, Ms. CORRINE BROWN of Florida, Mr. GILCHREST, Mr. BEREUTER, Mr. BALLENGER, Mr. CHABOT, Mr. HOUGHTON, Mr. PITTS, Mr. GREEN of Wisconsin, Mr. PENCE, Mr. HOEFFEL, Ms. BERKLEY, Ms. MCCOLLUM, Mr. KIRK, Mr. CANTOR, Mr. HALL, Ms. GINNY BROWN-WAITE of Florida, Mr. DELAHUNT, Mr. FLAKE, Mr. ENGLISH, Ms. LOFGREN, and Mr. FROST.

H. Res. 402: Mr. WOLF.

H. Res. 408: Mr. PENCE and Mrs. MYRICK.

H. Res. 410: Mr. UDALL of New Mexico.

H. Res. 423: Mr. BERMAN and Mr. WALSH.

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. 2510: Mr. DOOLITTLE.

DISCHARGE PETITIONS

Under clause of rule XV, the following discharge petition was filed:

Petition 4. October 29, 2003, by Ms. HOOLEY on (H. Res. 398), was signed by the following Members: Darlene Hooley, Nancy Pelosi, Steny H. Hoyer, Robert Menendez, Barbara Lee, Lucille Roybal-Allard, Lois Capps, Stephanie Tubbs Jones, Susan A. Davis, Shelley Berkley, Timothy H. Bishop, Michael H. Michaud, Joseph Crowley, Tammy Baldwin, Rahm Emanuel, Peter A. DeFazio, Denise L. Majette, Linda T. Sanchez, Michael M. Honda, Hilda L. Solis, Dennis Moore, Chet Edwards, Sheila Jackson-Lee, Diane E. Watson, Alcee L. Hastings, John W. Olver, Zoe Lofgren, Diana DeGette, Bill Pascrell, Jr., Gene Green, Michael F. Doyle, Artur Davis, Gregory W. Meeks, Baron P. Hill, Ron Kind, Martin Olav Sabo, Martin Frost, Lincoln Davis, Jim Cooper, Vic Snyder, Xavier Becerra, Lynn C. Woolsey, Joe Baca, Raul M. Grijalva, Tom Udall, James P. McGovern, Rosa L. DeLauro, Frank W. Ballance, Jr., Ed Case, Eddie Bernice Johnson, Charles A. Gonzalez, Charles B. Rangel, Major R. Owens, Benjamin L. Cardin, Juanita Millender-McDonald, Danny K. Davis, Grace F. Napolitano, Rush D. Holt, Sanford D. Bishop, Jr., Rodney Alexander, Barney Frank, John F. Tierney, Donald M. Payne, David Scott, Albert Russell Wynn, Loretta Sanchez, Sherrod Brown, Thomas H. Allen, Maurice D. Hinchey, James P. Moran, Jane Harman, Jim Davis, John Lewis, Nick J. Rahall II, Karen McCarthy, Earl Blumenauer, Michael R. McNulty, Rick Larsen, Bart Gordon, Bob Etheridge, Martin T. Meehan, John M. Spratt, Jr., Patrick J. Kennedy, Michael E. Capuano, Ken Lucas, Jim McDermott, Brad Sherman, Brian Baird, Leonard L. Boswell, Carolyn McCarthy, Timothy J. Ryan, James R. Langevin, Mike Ross, Adam B. Schiff, Steve Israel, William J. Jefferson, Dennis A. Cardoza, Betty McCollum, Ted Strickland, Sam Farr, Julia Carson, Sander M. Levin, Nydia M. Velazquez, Janice D. Schakowsky, Anna G. Eshoo, Edolphus Towns, David Wu, Bennie G. Thompson, Earl Pomeroy, Louise McIntosh Slaughter, Kendrick B. Meek, Dale E. Kildee, Marcy Kaptur, Fortney Pete Stark, Jim Marshall, Carolyn C. Kilpatrick, Lloyd Doggett, Henry A. Waxman, William D. Delahunt, Stephen F. Lynch, Robert C. Scott, Chris Van Hollen, David E. Price, Jim Turner, Jose E. Serrano, Ciro D. Rodriguez, Joseph M. Hoeffel, Tim Holden, Robert E. Andrews, James E. Clyburn, Howard L. Berman, Jerrold Nadler, Gary L. Ackerman, Jay Inslee, Solomon P. Ortiz, Silvestre Reyes, Melvin L. Watt, Chris Bell, Tom Lantos, Carolyn B. Maloney, Robert A. Brady, Ed Pastor, Anthony D. Weiner, Paul E. Kanjorski, Ellen O. Tauscher, Ruben Hinojosa, Robert Wexler, C.A. Dutch Ruppersberger, Steven R. Rothman, Mark Udall, Mike McIntyre, John Conyers, Jr., Marion Berry, Ike Skelton, Frank Pallone, Jr., Calvin M. Dooley, Eliot L. Engel, Maxine Waters, Dennis J. Kucinich, Robert T. Matsui, Nick Lampson, Mike Thompson, Bob Filner, Norman D. Dicks, Jim Matheson, Peter Deutsch, John Dingell, Edward J. Markey, Chaka Fattah, Elijah Cummings, Robert E. Bud Cramer, Jr., James L. Oberstar, William O. Lipinski, Lane Evans, John B. Larson, Jerry F. Costello, Bernard Sanders, Gene Taylor, David R. Obey, Nita M. Lowey, Corrine Brown, Max Sandlin, Christopher John, John S. Tanner, Adam Smith, Allen Boyd, George Miller, William Lacy Clay, Brad Carson, Jesse L. Jackson, Jr., Neil Abercrombie, and Bobby L. Rush.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3, by Mr. TAYLOR of Mississippi on House Resolution 275: Lincoln Davis, John B. Larson, Jerry F. Costello, Harold E. Ford, Jr., Bill Pascrell, Jr., Steny H. Hoyer, and Louise McIntosh Slaughter.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, OCTOBER 30, 2003 No. 155—Part II

Senate

HEALTHY FORESTS RESTORATION ACT OF 2003—*Continued*

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. CRAPO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. DOMENICI. Mr. President, may I ask the Senator from Wyoming a question.

Mr. THOMAS. Yes.

Mr. DOMENICI. Were you going to offer an amendment?

Mr. THOMAS. No, I am not. I wanted to speak in support of the legislation.

Mr. DOMENICI. I wonder if I might have 5 minutes following the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. DOMENICI. I ask unanimous consent that I follow him for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, we have been at this now for a couple of years. I have risen before a number of times and we are back again. I just want to urge the Senate to pass this Healthy Forest legislation and invest more in preventing deadly wildfires. The latest thing we have seen, of course, is in California. That was not unexpected. These woods had insect infestation.

We have to do something. Many of us in the West are continuing to fight this. S. 1904 includes carefully crafted bipartisan language. If we oppose that, we are really not serious about reform. The amendments that weaken the appeal process, judicial review, NEPA requirements, would deprive the legislation of some of the very reforms that are needed that we have seen through the years in the West.

I want to see us move forward. I think this is a commonsense approach. We have been at it a very long time. This is not even the first year we have been at it. I hope we can pass it and pass it right away.

I support this legislation and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico, by previous order, is recognized.

GDP GROWTH

Mr. DOMENICI. Mr. President, while what is going on in Russia may be some of the worst news that could beset the free world, including our country, because of the acquisition of majority control of the third largest oil company by the Government of Russia in one sweep today, who knows what that means in terms of oil production and stability. But I rise because, on the other hand, while that bad news is occurring, the announcement today as to the status of the American economy is about the best news we have had in 20 years.

Today it was announced that the economy grew by 7.2 percent in July. That is July, August, September, that quarter. It has been almost 19 years. Not since 1984 has this economy seen such GDP growth. This news was not unexpected. Many have been saying—certainly I have—for some time the policies we have adopted, specifically the tax reductions, would result in this kind of event being announced now or very close to now.

In addition, this was reflected in the morning numbers today which showed personal consumption was at 6.6 percent. Interestingly, since consumption makes up 70 percent of the economy, growth accounted for by consumption would on its own have resulted in the economy growing 4.6 percent all by itself. Equally, if not more importantly, the long-term business investment grew by 11.1 percent in this quarter.

To me, this suggests we will continue to see this growth well into the future as businesses rebuild their investments and their inventories and retool their factories. Government spending, which accounted for most of the growth in earlier parts of this year, was not that important. It represented only 1.4 percent.

Maybe lost in this big news is what really matters, and that is, with reference to growth, the Department of Labor reported initial claims for unemployment declined by 5,000 just this week, affirming a downward trend in unemployment. So the news is good on the home front. The numbers released today indicate a ramp-up to recovery and growth in this quarter and in quarters ahead. Policies we put into place are beginning to take hold.

I commend all of those who have been part of that and commend our President as our leader for asking for most of the tax cuts and other items that have caused this growth to occur.

Still, we have a lot more work to do. We must do more to help create jobs and bring economic recovery to all of our citizens.

We cannot rest therefore on these reports today. We must continue to work toward reducing the cost of doing business in this country in such areas as health care, energy, and litigation costs. We need to remove barriers to investment and economic growth so employers can create new jobs.

Our work here in the Congress must go on with renewed dedication. Today we see first hand the effects of the President's economic policies. But such results should encourage all of us to work even harder to bring economic recovery to the doorstep of every American.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I, of course, am also happy about the growth of the domestic product last quarter. It is very important. But before we get too elated over this economic news, we have to also understand that in addition to the need for growth for corporate America, we need job growth.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Last month we lost 46,000 jobs. During the years this man has been President, President Bush, we have lost over 3 million jobs.

I would hope the next quarter, in addition to having good domestic product growth, we also would have job growth. People in Nevada and around the country are more concerned about J-O-B than G-D-P.

The Senator from California is here. She is ready to offer her amendment. She offered two very important amendments yesterday.

I have spoken with Senator COCHRAN and the Senator from Idaho, who is now managing the bill. It is my understanding that the Senator from New Jersey is here.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

UNANIMOUS CONSENT REQUEST—S. 1618

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 282, S. 1618, the 6-month extension of the FAA authorization; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, and further, parliamentary inquiry, I was under the impression the Senator from New Jersey was going to offer an amendment, but he propounded instead this unanimous consent request.

Further reserving the right to object, Mr. President, we have a Federal Aviation Administration conference report that is due for consideration in the House maybe today or early next week. That issue will be coming to the floor of the Senate, I presume, shortly thereafter. It is a 4-year, $60 billion bill that is critical for our airlines, our airports, for general aviation, and for security in aviation. It reminds me of this Healthy Forests bill. A week ago, there were objections to the Healthy Forests bill. This week, with half the State of California on fire, all of a sudden we are going to get this Healthy Forests legislation.

I urge my colleagues to look seriously at this legislation and what it means for this great industry in our country, an important part of our economy—aviation—and for security in aviation before we just say we are going to go with the status quo. If a week from now or a month from now there is an explosion in an airport or a plane is driven into a twin tower somewhere, I would not want to be the one who is not passing this huge FAA reauthorization extension.

Further reserving the right to object, I don't like all that is in this bill either. I am not an advocate of some of the provisions that are in this bill or not in this bill. I am not even necessarily an advocate of privatization. But to threaten to kill this major legislation with an extension over that one issue is very dubious action.

I, with great pleasure, object to this unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, if I can obtain the floor, not to bring up an amendment, but rather to have a few minutes to explain what it is that I would like to do. I ask if the Senator from Mississippi, someone with whom I have worked closely on several issues related to this, will enable me, by unanimous consent, to have up to 10 minutes to talk about the issue.

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The Senator can speak on any subject he chooses, but the request was made.

Mr. LOTT. If there is going to be a unanimous consent request, I ask that there be an equal amount of time, if needed, for the other side.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, what is the unanimous consent request?

The PRESIDING OFFICER. The request, as modified, is for 10 minutes on each side to talk about the FAA reauthorization bill.

Mr. CRAPO. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I had been recognized. I respect the viewpoint of the Senator from Mississippi, but I disagree with it, and I would like to talk about the mission I see in front of us and withdraw my request that the bill be read three times and passed. I want to discuss what we think is coming over soon from the House.

Contrary to the remarks my friend and colleague from Mississippi made, in terms of his objection, I agree totally that we do not want to hold up the funding of this bill. I want to get the money invested. We have to take care of the requirements of our aviation needs. While we want to make sure we get these funds on their way, we want to make sure we don't throw a blanket opportunity out there to terminate 23,000 loyal, hard-working, safety-oriented employees from the FAA control system; that is, those in the towers, those who are service operators, those who are technicians, because we have a system that has been so safe.

We handle over 700 million airline passengers a year. The numbers are incredible. We saw them, when our FAA controllers were called upon on 9/11, bring 5,000 airplanes out of the sky safely. They got everybody on the ground when it looked as if total chaos was raining on our society.

What I propose to do is say let's just have a 6-month extension, not permit the commercialization of the FAA system to take it away from Government hands. I see this as the fifth branch of the military. We are relying on them 24/7. Without a question of doubt, we need those people in their positions.

We are facing a time within the next 10 years when over 10,000 FAA controllers will be retiring; 23,000 jobs are at stake, and we are going to say they are going into commercial hands—Acme Air Service, or whoever it is.

There is something else that is taking place here. We see a vote coming in the House that looks as if it may carry. Do you know how the votes were obtained? Not on substance but on excluding particular airports from going into private hands and securing votes. That means if you happen to live in one of those areas that is not protected by the sale of a vote, your family could be getting onto an airplane and perhaps not have it handled as perfectly as it could. I know I want my kids and my grandchildren protected to the best of our ability. We have seen it done year after year in the United States with our FAA controllers, with our air control system.

I urge we have a chance to vote on whether we can extend this authorization, have time for discussion to permit the funding and the other elements of the bill. But let's have a serious review. This suddenly has come up as a change in the conference report as a result of a decision by the administration to suddenly change the rules. They want to move toward privatizing the U.S. air traffic control system, but 11 Republican Senators joined me and the remainder of the Democrats, and we had 56 votes in favor of keeping the system in Government hands.

We just recently took the baggage screeners from private hands, from commercial hands, and put them into Government hands. We thought it was a good move. That was 28,000 people. We transferred them over to the Government so we can control them. Those people control the baggage that is going aboard. These people control 700 million lives that fly each and every year. We quickly are saying discard that, forget that, we have our deals, we have our airports protected. We have two in Alaska protected. We have others in other States that are protected and we will worry about the safety later. That is wrong.

I hope people across the country recognize what is happening, that we are putting this on the sale block, that it is part of a scheme to have Government privatized—over 850,000 is the mark—and it should not be done on the backs of safety. That is the issue.

I appreciate the Senator from Mississippi, a very knowledgeable and longtime Government servant, a man who has been responsible for lots of good things, but 71 percent of the Americans who were polled who were asked the question about what they think we ought to be doing with the FAA about keeping it in Government hands or going private with it, 71 percent of the people across this country—and I want everybody to hear it—our constituents, agree we ought to keep the FAA in Government hands.

I am not saying we are going to extend it a long time. I am saying, give

us a chance to review it. Let us take it up and have a discussion about it and not simply have something jammed through the House and us be like the second body, here it is, take it or leave it. I would like to see if we can talk to the 11 Senators who voted with us the last time and see if they will vote with us another time. I think it is reasonable in the interest of safety.

I just received a letter dated today. It is signed by a representative of the Consumers Union of the Public Citizens Congress Watch, Consumer Federation of America. It is addressed to me:

Senator Lautenberg: We commend you for your leadership and strong opposition to the most recent version of the FAA authorization conference report. The new conference report does not restore the original House and Senate language prohibiting privatization of air traffic control services. Instead, the report leaves the door open for future privatization attempts going against the will of the American people and jeopardizing the safety of our skies.

The letter goes on. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 30, 2003.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: We commend you for your leadership and strong opposition to the most recent version of the FAA Authorization conference report. The new conference report does not restore the original House and Senate language prohibiting privatization of air traffic control services. Instead, the report leaves the door open for future privatization attempts, going against the will of the American public and jeopardizing the safety of our skies.

Our air traffic control network is far more complex than any other in the world, with more than nine million flights and nearly 700 million passengers moved through the system annually. We believe that our air traffic control system must remain a federal responsibility, with employees entirely accountable to the public and not a company's bottom line.

It appears the Administration is intent on moving ahead in contracting out air traffic control, as has been clearly demonstrated by the intense pressure it has applied to Congress. Only an explicit prohibition against privatizing air traffic control will assure the flying public that their safety will be secured.

Again, we commend you for your leadership on this critical public safety issue. We urge all Members of Congress to follow your lead and vote against the conference report as currently written.

Sincerely,

ADAM J. GOLDBERG,
Policy Analyst, Consumers Union.
WINIFRED DEPALMA,
Regulatory Affairs Counsel, Public Citizen's Congress Watch.
TRAVIS PLUNKETT,
Legislative Director, Consumer Federation of America.

Mr. LAUTENBERG. I hope we can test the will of the Senate and test the determination of the American people to have it done in a way that satisfies them and their families.

A reference was made by the distinguished Senator about what might happen if there was an accident, a crash, as a result of not having facilities up to snuff because of the bill not being passed.

I will say if we look at the record in the U.K. and Canada about what happened after they turned those operations to business hands, to private hands, we will see that the number of near-misses went up substantially in the U.K. That means near-misses in the air.

Many times I sit in the second seat on a small airplane and I want to tell my colleagues something, to find out where another airplane is at the last moment is a life-remembering event.

In Great Britain, since privatization, near-misses of crashes or other problems have increased by 50 percent.

There is something new of which I think we ought to be fully aware, and that is that the space between airplanes is being narrowed in the interest of taking more airplanes into the sky. This is no time to be saying, turn over our safety function, the maintenance function, to private hands, to Acme Air Service.

I do not ask for a lot, but I ask for it on behalf of the American people, 71 percent of whom said they want to keep these services in Government hands because they know Government can manage it best. I want to be able to bring up an amendment and have it voted upon. I am asking for a 6-month extension, and that is it. Give us a chance to reason in a more comfortable time frame. Right now, there is enormous pressure to conclude our business so we can go home, but I do not want to go home in an airplane that I do not think is the safest place I can possibly be, or my kids flying with me on a vacation or my grandchildren flying with me on a vacation over the Christmas holiday not feeling like we had the best possible people in the towers watching us in our flight.

I hope we will reconsider where we are and have a chance to discuss this at length.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I realize we need to get back to amendments on this legislation so we can complete Healthy Forests so I will try to be brief, but I have to respond to some of the things that were said.

First, the Senator from New Jersey and I have talked about this issue and about this legislation in the past. He knows that I was in hopes we could work out something in this area, but now we are talking about not going forward with the conference report and doing a 6-month extension for what is not in a bill.

We were told there was a problem with the language that was in the bill because it said, by the way, there cannot be any private takings of air traffic controllers. That was in the conference report, that there would be 69 medium and smaller airports that would be subject to possible contract towers. We were told that is a problem. The people did not like the contract tower concept. Others did not like the prohibition, by the way, on privatization of the air traffic controllers. So the conference took those two provisions out.

Basically, the conference says in that area you just had a 6-month extension, extend the current law. What are you gaining? There are a lot of things that are in this bill that make a huge difference that will not go forward if we do not pass the conference report: $60 billion, money that is needed for security in our airports; funds for the first time, over $100 million, that would go to the regional airlines, airport security, expansion, and improvement. We let $500 million go from the airport improvement fund into airport security. This legislation says, no, you cannot do any more of that. The security funds will have to come from other fees, but airport improvement money will go to improve the airports.

It has to do with general aviation, and we have some significant language in there for them. Manufacturers of airplanes from Kansas and Washington and parts suppliers all over America, all of that would be put on hold.

We are behind the curve already. Does anybody really think the airports are secure and that the airlines are secure, and that we have done all we need to do? I am not that critical of TSA. I think they are working hard and I think it is better, but we have a long way to go.

Then we are going to put a timeout on this huge, important part of our infrastructure? We want to create jobs. How about improving our airports and our air service and all the concessionaires that are involved in the airports, all the people who lost their jobs after 9/11 in the aviation industry? If we do that and do the highway bill, we are talking about thousands of jobs in America.

Also, the Senator is suggesting that we have no privatization in FAA at all, not just air traffic controllers but I guess the flight weather service people, the maintenance people, the service people.

Now, I am not particularly an advocate—in the past I have not been—of privatization of air traffic controllers. But some of these? Maintenance service not even being possible to consider for the private sector? It is almost as if the private sector is incompetent; the

Federal Government can do it better. I do not think that is usually the case. I think most American people think when the Federal Government does it it gets worse and more expensive.

Then there is one other point. The President of the United States is not going to sign a bill that says there cannot be any privatization anywhere anytime in the FAA. We have tried to be accommodating, to go back to the conference and take out what we thought was the offending language.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. LOTT. If I could, let me complete, and then I will yield for a question, although we prolong this agony, which is not going to achieve anything right now.

If we took out the 69 contract towers, there are a lot of places in America which wouldn't have a tower. In fact, that is bipartisan. The idea of contract towers, I can tell you, came from a Democrat, a well-known one in a previous administration. I thought it made sense.

I don't understand. If we cannot have 100 percent purity, we don't want this bill. We don't want $60 billion. Aviation is about more than just the guy in the air traffic control tower. It is about security on the ground.

I plead with my colleagues to think this through. We are not pulling back and saying we are going to privatize. In fact, there is a letter from the Secretary of Transportation, Norm Mineta—not your basic every-day, run-of-the-mill Republican, a Democrat—the Secretary of Transportation, says we are not going to privatize air traffic controllers.

We are fighting ghosts here. If we don't watch it, we will be creating ghosts. We will talk more about this when this conference report comes up. But I plead with my colleagues. I talked about this with my colleagues. I tried to make sure it was bipartisan. It passed the Senate overwhelmingly. There have been some changes made from that, obviously. But if we leave here this year having not passed a Federal Aviation Administration bill or an Energy bill or a Healthy Forests bill, heaven help us when our constituents get hold of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho, the manager of the amendment, has previous recognition.

Mr. CRAPO. As we move forward on the Healthy Forests legislation, it is my understanding we have worked with all those interested here.

Mr. LAUTENBERG. Mr. President, I ask for no more than 5 minutes to conclude my remarks in response to the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection?

Mr. CRAPO. I will not object.

Mr. LAUTENBERG. I thank the Senator from Idaho.

What I want to ask the Senator from Mississippi—he said: People know when things get in government hands, they are in worse shape. What are we doing with the baggage screeners? We transferred 28,000 of those folks, took them off the line, gave them a raise in pay, took them away from the private handlers and said, No, we want to know our baggage is being thoroughly inspected.

I also remind the Senator in the CR which looms directly in front of us, there is no provision for increased funding for the aviation bill.

When we see what is happening in southern California, our hearts go out to them. The air is full of smog. There is smoke all over the place. You need people on the ground who know exactly how to direct those flights to make sure they travel at appropriate intervals.

When we had the hurricane on the east coast, we had to make sure we were conscious of the fact that weather changes were looming in front of us. This is a different world than we used to know. What a time it would be to turn all of this over to private hands.

Security on the cheap? I know the Senator from Mississippi doesn't really think that is a good idea. But, on the other hand, that is what is going to be happening.

I thank the Senator from Idaho, who is very kind, and my good friend from New Mexico, for their indulgence for these last few remarks.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent the Senator from New Mexico be recognized for the purpose of offering an amendment. Following that, the Senator from California, Senator BOXER, be recognized to offer her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2042

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2042.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require best-value contracting)

At the appropriate place insert the following—

"SEC. ___. BEST-VALUE CONTRACTING.

(a) To conduct a project under this Act, the Secretaries may use best value contracting criteria in awarding contracts and agreements. Best value contracting criteria includes—

(1) the ability of the contractor to meet the ecological goals of the projects;

(2) the use of equipment that will minimize or eliminate impacts on soils; and

(3) benefits to local communities such as ensuring that the byproducts are processed locally."

Mr. BINGAMAN. Mr. President, this amendment simply gives the Forest Service and the Bureau of Land Management the authority to consider benefit to local communities when determining which company or individual is going to receive a contract to conduct a hazardous fuels reduction effort on the national forests and the public lands.

Currently, the authority the agencies have limits them to accepting only the high bid for a timber sale contract or the low bid for a service contract. Unfortunately, numerous forest-dependent rural communities have discovered this practice means the contracts are often awarded to large companies from urban areas, and in many cases from States other than where those communities are located. In my State of New Mexico, many rural communities are trying desperately to find ways in which they can create and maintain decent jobs. Because these communities are often surrounded by national forests and public lands, I believe that, where possible, we should provide tools to create jobs in these communities by restoring the health of the forests.

Best-value contracting is one such tool. This amendment, as currently drafted—and this is a change from the earlier draft—says that "to conduct a project under this act, the Secretaries"—that is the Secretary of Agriculture and the Secretary of Interior—"may use best-value contracting criteria in awarding contracts and agreements." It goes on to define what best-value contracting criteria include.

I think it is important to realize here that this best-value contracting criterion does include consideration of the benefits to local communities such as ensuring that the byproducts are processed locally.

Congress enacted a very similar requirement when authorizing the Stewardship Contracting Program.

In addition, last year Senator CRAIG and I sponsored the Community-Based Forest and Public Lands Restoration Act. That bill, which was passed by the Senate unanimously, also authorized best-value contracting.

I believe this is a simple amendment. It should be noncontroversial. I hope it can be accepted by all Senators.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, we have reviewed this amendment. We don't find it objectionable. We are prepared to accept it.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 2042) was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to send an amendment to the desk in a moment. Before I do, I wanted to give the Senate an update on what is happening with the fires in California, and pay a very special tribute to a fallen firefighter. As of 3 p.m.

today, the fires in California have consumed more than 722,000 acres, or roughly 1,100 square miles. Many of these acres are on public lands. Many are on private lands. More than 2,600 homes have been destroyed, 20 people have been killed, and there are more than 12,000 firefighters battling the flames. These firefighters are very brave. I will show you one of them right now.

I rise with a very heavy heart to pay tribute to a fallen California firefighter. It is an honor for me to do this, but it is a very sad moment for me to do this.

Steven L. Rucker, a fire apparatus engineer from Novato, CA, was just 38 years old. Novato, CA is nowhere near southern California. Novato, CA is in the northern part of our State, in the San Francisco Bay area. But Steven Rucker and others from his fire department risked their lives and, indeed, Steven gave his life, to help our southern California communities. Steven Rucker comes from my home county, a county where I was a supervisor for 6 years before I went to the House of Representatives, in the early 1980s.

He was killed on Wednesday, October 29, at 12:30 p.m., when his unit was overwhelmed by flames as they battled on foot to protect a home threatened by the Cedar Fire in San Diego County.

I want to show you a picture of some of the firefighters and what they are up against. Have you ever seen a more telling picture of what these firefighters are up against, standing close to these flames in air that is so polluted it is beyond description?

Steve fell. He was nicknamed ''the Ruckster'' by his friends and colleagues. He grew up in Freemont, CA, in the San Francisco Bay Area. He was the youngest of four children. After completing paramedic training in Contra Costa, Mr. Rucker went on to realize his childhood dream of becoming a firefighter in Novato. In his 11 years with the Novato Fire Protection District, Mr. Rucker wore the badge and his honor proudly. His car carried a license plate that read ''Fire Ruck.'' He was known for organizing toy drives and children's events for Christmas and for Easter.

Steve Rucker is a true example of why we call firefighters heroes. He bravely and selflessly risked his life time and time again trying to protect the homes of families he didn't even know in a community far from where he lived. Tragically, he has fallen in one of those battles. It is easy to see why we mourn his loss and why his friends and family are so proud of him.

I send my sincere condolences to his family, to his wife, and their two young children, the communities of Novato which mourns his loss, and all of the firefighters who had the honor of serving with Mr. Rucker over these years. I know they are devastated by this tremendous loss, and I know the loss is reverberating through the fire lines. I know how hard it is for them to cope with this.

In this time of crisis in California, we must carry on, and we will. We always have. People say to me even here in the Senate: Your State always has some kind of crisis, some kind of problem. Why do so many people live there? What draws them there? I always explain that you need to be there to understand the beauty of our State. You need to be there to understand it. You need to be there to understand the incredible diversity of our people. In politics, we reason from one side to the other. Diversity? We have every one. The beauty of our State holds us all together. It has brought us to that State.

We will carry on, but we are not going to forget Steve. We are also not going to forget Doug MacDonald. I send my prayers to Fire Captain Doug MacDonald who is a 17-year veteran of that Novato Fire District. Captain MacDonald suffered severe burns and injuries when he went back into the fire to search for his missing colleague, Steve Rucker. Captain MacDonald is in critical condition at the San Diego Burn Center. We pray and pray that he will come home soon. I know his wife and his two children are with him.

It says something about Captain MacDonald, and it says something about the Novato Fire Department, that Captain MacDonald, a 17-year veteran, went back and risked his own life to save Steve Rucker. It says a lot about Steve Rucker in that he would inspire people to risk their lives to save him. These firefighters are extraordinary heroes.

Yesterday, I was so proud that the Senate overwhelmingly passed my amendment to ensure that those first responders, those firefighters, will receive the best health care available to minimize their injuries when they fight in such natural disasters—fires.

I thank the President at this time. He has now declared Riverside County a Federal disaster area. This is now our fifth county, and we have been asking him to do this. We are very glad he has done this because even though we know in Riverside we have had less loss of homes and property, we have homeowners there who will need the help that such a declaration will bring.

Before I send my amendment to the desk, I wish to make one more point. We still have fires burning out of control in my State. We still need help, particularly in the San Diego area. We now need, according to Deputy Chief Arta, 26 type I strike teams, we need 48 type III strike teams, we need 2 strike teams of dozers, and we need 15 hand crews at the Cedar Fire in San Diego.

For the Paradise Fire—and my understanding is that these fires are about 5 miles apart and the big issue is to stop them from joining. At that Paradise Fire, we need 31 engine strike teams, we need 9 type III strike teams, and we need 33 hand strike crews.

I mention this because we still have work to do to wrap our arms around this. We need this help now. We needed it 2 days ago. We have asked everyone who could help us with this—particularly our FEMA Director who is working hard with us to get this equipment—to get these people to help our 12,000 firefighters.

I want to look at Steve one more time, our firefighter, our 38-year-old firefighter, from Novato, CA, in Marin County, who traveled miles and miles with his colleagues in that department to help people far away from where he lived. In his name, please send the help to 12,000 firefighters. We need to help them. We need to cut through all of the bureaucracy and all of the excuses. We need to get the help there in San Diego.

Look at what is happening. Look at what it looks like. We need help. We are getting a little help from the weather—a little bit of a change, but not enough of a change, in our State. We really do not get the heavy rains in November. In San Diego and Riverside, they do not get that much. We are getting some moist air in from the ocean. That is good. We need more help.

We need to be strong, and we need to get this help. We need to see the end date when we will have these fires 100 percent contained.

This bill that we are working on today does more than current law to prevent this kind of tragedy from happening. It doesn't do as much as I would like. Senator LEAHY wrote a bill which I was proud to co-author that did much more than this bill in front of us. But this bill in front of us is more than current law. It certainly does more than the House bill, which does, in essence, in my view after I have looked at it, hardly anything at all to help these communities—hardly anything at all.

We have an opportunity to make this bill even better.

Then Senator BINGAMAN got a couple of amendments through. I thank Senator WYDEN for helping get some of these amendments through, Senator COCHRAN for supporting some of our amendments, and my colleagues on the other side.

AMENDMENT NO. 2043

(Purpose: To increase the minimum percentage of funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface)

Mrs. BOXER. I send an amendment to the desk and ask that it be read and considered.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California, [Mrs. BOXER] proposes an amendment numbered 2043:

On page 25 of Amendment No. 1828, line 7, strike ''50 percent'' and insert ''70 percent''.

Mrs. BOXER. This is a very straightforward amendment. In the underlying bill, 50 percent of the funds are allocated to help communities that are close to areas that are high risk for fire. These are high-risk communities. We have these in our State. We have them up and down the west coast. We

have them in the western part of our country. Frankly, we have them in a number of communities. We need to get on top of things before we see this kind of fire. The way to do this is to take as much of the resources as we can and go to these communities—whether they are large or small, it does not matter—and work with them.

In April, Governor Gray Davis, our outgoing Governor, declared several counties that are now burning disaster areas because of the bark beetle. We asked the President to please declare an emergency, a disaster, so we could spend what it would take to get rid of those dying trees that sat out there. We knew they were waiting to burn. We predicted—I hate to say this; there were 12 of us in the bipartisan letter, the two California Senators and a bipartisan team from the House—we predicted in almost an eerie way that we would have uncontrollable fires if we did not have this disaster declared. It did not happen.

Now we have a chance. A lot of my constituents will not have that chance. But now we will have a future chance to protect communities that are at risk by taking funds in this bill, the majority of them, and putting them toward these communities.

I will show a couple of other pictures. The first photo shows what it looks like before the fire engulfs the community. This photo shows what we are dealing with—dreams gone. I have lived in the same house for 38 years in a hillside community. Every time I look at one of these families, I know how I would feel if I lost my home of 38 years with all of my memories—yes, we would move on; we would move ahead, but it is very difficult. Whoever said your home is your castle is right. It does not matter if it is one bedroom or one room or a mansion. It does not matter; your home is your castle. When you are home, this is your domain. This is your place. This is the place for your family.

You lose your home, you lose a sense of order. You lose a sense of security. You lose a sense of peace. This is a very hard time for my State.

What would this amendment do? I hope it is voted on, and I hope we pass it. It would help protect communities from wildfire by directing 70 percent of the funds for wildfire prevention in the wildland/urban interface; in other words, where the wildland and the urban areas interface, where communities face the greatest risk from wildfire.

The amendment happens to be consistent with what the President recommended in his budget for fiscal year 2003. We did not pick this number out of the hat in any way, shape, or form. We actually have precedent for this number.

I ask unanimous consent to have printed in the RECORD the USDA Forest Service fiscal year 2003 President's budget.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USDA FOREST SERVICE—FY 2003 PRESIDENT'S BUDGET—OVERVIEW

The NFS appropriation also includes $15 million to reimburse Federal agencies responsible for expedited Environmental Species Act consultations, one of the components necessary to ensure the success of the National Fire Plan.

Wildland Fire Management (FY 2003 President's Budget Request—$1,425,723,000).—This appropriation provides funding for Forest Service fire management, presuppression, and suppression on National Forest System lands, adjacent State and private lands, and other lands under fire protection agreements. The Forest Service's program recognizes that fire is a critical natural process and that it must be integrated into land and resource management plans and activities on a landscape scale across agency boundaries. The program also recognizes that wildland fire management must be based on the best available science. The budget continues to place emphasis on economic opportunities for rural communities with a significant threat from wildfire that have also experienced job losses from reductions in Federal timber harvest.

In conjunction with the Department of the Interior, the Forest Service will develop a performance-based preparedness model to replace the current formula that describes preparedness funding in terms of the ''Most Efficient Level.''

The budget request for wildfire suppression costs is $423 million, which is the average cost per year from 1991–2000. Seventy percent of the funding for hazardous treatment is to be targeted to the wildland-urban interface, to protect communities and reduce suppression costs over time.

Capital Improvement and Maintenance (FY 2003 President's Budget $568,004,000).—The Capital Improvement and Maintenance program provides funding to improve, maintain, and operate the infrastructure of facilities, roads, and trails related to recreation, research, fire, administrative, and other uses. The program emphasizes better resource management decisions based on the best scientific information and knowledge, an efficient and effective infrastructure that supports public and administrative uses, and quality recreation experiences with minimal impact to ecosystem stability and conditions. Infrastructure improvement was established to reduce the rate of accumulation of deferred maintenance, which leads to deterioration of performance, increased repair costs and decreased values of real property assets. The Deferred Maintenance program enhances the facilities, roads and trails programs by specifically directing resources towards critical deferred maintenance projects.

As part of the President's Management Reform Agenda, the agency has established a target of co-locating Forest Service and Bureau of Land Management (BLM) offices at 22 sites for the period FY 2003 through FY 2005. This co-location effort is part of Service First, a joint venture between BLM and the Forest Service to create seamless, citizen-centered service and more efficient land management. The President's budget request for FY 2003 includes $10 million to facilitate co-location activities (such as buying out existing building leases in support of co-locations). In addition, the budget includes funding for facility enhancements for anti-terrorism protection.

Mrs. BOXER. Now, if we pass this amendment, we are coming up with a stronger bill because it is just common sense that the real purpose behind this bill should be protection of our people. That is the real purpose. It should not be to make it easier for big loggers to go deep into the forest and take out old-growth trees. I know we protect them in here but not as far as I would want to. The real purpose of this should be to protect our communities. As I said, the House-passed bill certainly did not do that.

We will hear a lot of talk from the House side, and I encourage my colleagues, Senator COCHRAN, Senator WYDEN, Senator FEINSTEIN, Senator CRAPO, and the others to stand strong for the Senate bill because the House bill would do nothing—I say this sincerely—to help us. It would not have helped in our circumstance. I will explain why.

The House bill fails to emphasize and prioritize removal of flammable vegetation. This is chaparral. This is not what the House bill deals with. The House bill deals with trees. It also does not allow for projects on non-Federal land where many areas are burning. I don't have the exact stats, but we are looking at maybe 50–50 here on Federal land and non-Federal land. Clearly, if we just have a bill that focuses on Federal land, we are missing a lot of other land and our communities could burn.

The bill Senator WYDEN, Senator FEINSTEIN, and Senator COCHRAN worked on does not have that prohibition. We need to have a bill that deals with the chaparral, that deals with this vegetation that is going up in smoke, and that does not just deal with the large trees.

The Senator from Nevada is here. There is certainly a lot of growth like this in his State, including in Lake Tahoe as well.

I ask unanimous consent Senator REID of Nevada be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The House bill fails to focus the limited resources for wildfire prevention projects near at-risk communities where these resources are needed the most. We can see the communities right around here. Many are not that populated, but they are communities that would qualify in the underlying bill. In my amendment, more funds would go here.

By not focusing its resources near at-risk communities, the House-passed bill keeps homes, businesses, and communities in this wildland/urban interface area in harm's way. In other words, where the beautiful wildlands meet the suburban-urban communities, that is where we have our problems. This is what we have been talking about. This is what Senator LEAHY and I have been talking about and why we know we need more funding.

By the way, we have much more funding in that bill. The bill before the Senate is a compromise. It is not enough. It is better, certainly, than

where we are, and it is much better than the House bill which actually, to be honest, again, would do absolutely nothing, absolutely nothing to help us in this type of circumstance.

Now, in the bill before us, that I am amending, we know hazardous fuels reduction projects on non-Federal lands would qualify for the funding. This is important. I thank the authors for that. Additionally, the underlying bill emphasizes the thinning and removal of small-diameter trees for wildfire prevention and seeks to implement standards that protect old-growth trees.

Then it says at least 50 percent of the funds should go to these at-risk communities. This is where I am trying to strengthen it and say it ought to be 70 percent. Again, I think this bill is getting better.

I was so happy to tell my firefighters we are going to take care of their health. I was happy to tell my communities that the EPA, if this bill becomes law, will monitor the toxins in the air, not the usual pollutants that we follow, but the toxins that are in the air from these fires. So I am happy about that.

Again, I hope this amendment will be adopted. I really do not know what the end result will be, but clearly, if you increase the percentage of the funds that you can spend in these communities that are at risk, common sense tells you we will not have the type of fires we are seeing in California today.

We cannot waste our resources. We do not have enough resources. In this bill, therefore, the 70 percent ought to be directed here. So we believe there are strong arguments why we need to focus a greater percentage on these high-risk communities.

We believe there is precedent setting for this, given the President's request.

Mr. President, I am so hopeful we will get agreement on this amendment because, again, it will make this a far better bill.

I yield the floor at this time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise to oppose the proposed amendment from the Senator from California, not because I disagree with her point that we need to make sure we adequately protect the wildland/urban interface, but because the bill, as it is currently drafted, not only adequately provides for that but provides even broader flexibility so we can, in addition, protect the watersheds, the water quality for communities. It will actually allow communities to have a greater input into the management decisions relating to the forests that surround them.

The amendment would require that 70 percent of all of the money that is provided in this bill for fuels reduction be expended in the wildland/urban interface. The bill, as drafted, provides that not less than 50 percent of the funds will be allocated for projects in the wildland/urban interface.

Nothing in the bill, as drafted, would prohibit our forest managers from doing exactly what the Senator from California says she thinks they ought to do, if that is the right decision. On the other hand, our bill follows the recommendations of the Western Governors' Association, which allows communities to make proposals to the Forest Service about how the forests in their communities should be managed.

Frankly, the opportunity for communities to say they would like to see management reach out a little further than just a quarter of a mile around their homes, into the forest in general, or into the watershed, so they can protect their watershed as well as their homes, is an opportunity that we believe is one that should be maintained for our communities and for the flexibility of our forest managers.

Now, let me repeat. Nothing in the bill, as drafted, would stop the Forest Service from expending not only 70 percent but even more than 70 percent on the wildland/urban interface if it is determined that is the best place for the allocation of these resources.

What the bill says is, no less than 50 percent must be allocated, but it does not prohibit any allocation above 50 percent if the Forest Service and the affected communities can reach an agreement.

The issue here is one of flexibility. Very often, in Washington, as we put together legislation—whether it be over forests or any other issue—one of the tendencies is for us to try to determine every situation around the country and how best to manage it.

The problem here is, not every circumstance is the same around the country. The need is not the same throughout every forest that will need to be treated. In some forests, I am confident that far more than 70 percent of the resources would go to the wildland/urban interface. In other forests, for example, the one I talked about yesterday, which surrounds Elk City, the residents there are very concerned that the entire watershed is threatening to them, and their one route of exit from their community is threatened along an entire corridor. They would need to seek protection along the entire exit corridor to literally safely protect their lives if they needed to evacuate.

It is because the situation in Elk City is very different from the situation in Los Angeles and different from the situation in other communities which have forest environments that our bill seeks to preserve the flexibility that we need to be able to manage these funds adequately.

I encourage all Senators to reject this amendment and to move forward with the provisions as we have provided them, which, again, gives the Forest Service the flexibility to not have to be bound by the cookie-cutter solutions that we often want to put in place in Washington and have the flexibility to be able to manage as the communities and the fire and forest experts know would be the best way to approach it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to respond to my friend with great respect because we do not change a thing about your bill, except change the percentage of 50 to 70. We leave you all the flexibility. If a community says they think it is important to go inside the forest to protect a watershed, to protect the supply of water, or there is bark beetle infestation, that is not a problem. The fact is, we just say that the communities ought to have 70 percent of this rather than 50 percent.

I say to my friend, who is going to show us pictures here—I don't know if he was present—12 of us, in April, wrote the President about the severe danger. We named three of the four counties that are up in smoke. We begged him to declare a disaster, we begged him.

I want you to know who signed that letter: Senator FEINSTEIN and I, Congressman JERRY LEWIS, Congresswoman MARY BONO, and the San Diego delegation—Republicans and Democrats.

We saw this coming a mile away. The importance of this bill is because we do not know what future Presidents might do. We may have the same trouble in the future, and they just don't pay too much attention to it. We can't get our needs taken care of.

This bill is very important, but if we don't take that money and spend it where the people are, then, to me, we have not learned a lesson from these California fires.

I thank my colleague very much. I am disappointed we cannot agree. I understand, but I am disappointed. I hope we will have a good vote for expending funds where the people are because that is what we need to do.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I appreciate the passion by which the Senator from California approaches this issue. I would like to have her attention for a few moments because she is most sincere in what she says.

Forest scientists—not a year ago—5 years ago, were pleading with us to create activity in our forests and in San Bernardino to stop a catastrophic fire that was going to happen someday. Yet this Senate—and my guess is, the vote of the Senator from California—denied those kinds of actions, a more interactive approach and active thinning and cleaning.

We have been talking about forest health on the floor of this Senate not for 1 year, not for 2 years, not for 3 years, but 5 years. Why?

Mrs. BOXER. Will the Senator yield?

Mr. CRAIG. No, I won't yield at this point.

Mrs. BOXER. The Senator is talking about my vote.

Mr. CRAIG. I will not yield at this moment.

Mrs. BOXER. Well, the Senator is talking about me.

Mr. CRAIG. No, I will not yield.

Mrs. BOXER. Well, I think that is fairly rude, but I will wait for my time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CRAIG. Let me complete my thought, Senator, and then I will be happy to yield to you.

Mrs. BOXER. That is all right. That is OK.

Mr. CRAIG. I have been in the San Bernardino and so have you. For 15 years that forest has gone relatively untouched.

So I appreciate the Senator's passion. What we have tried to strike here is a balance.

The picture I am demonstrating is not unlike the picture the Senator from California brought. Why aren't the trees burned around the homes that are gone? The reason they are not is because 60-mile-an-hour winds spread fire in many instances a mile or a half a mile beyond where the fire is burning. Embers fell on the roof of the shake roof homes in California, and the homes are gone because the trees in the immediate area stand.

So when the Senator from Oregon and this Senator from Idaho and the other Senator from California were trying to strike a balance, we knew that reaching out as far as we possibly could was where we needed to go, along with recognizing that the urban interface was critical.

We believe we have struck that kind of balance. We want to sustain that balance. The money goes where the people exist.

Let me reference another fire that occurred in early summer. The Senator from California witnessed it, as we all did. It was called Summer Haven on the mountain above Tucson. Summer Haven had been treated. Thinning and cleaning had gone on around that little urban enclave interface. But the community no longer exists today. It burned up in a wildfire. Why? Because the fire started down the canyon in areas that had not been thinned and cleaned, and it swept up the canyon, burned out the areas that had been thinned and cleaned, and took out all the homes.

The point I am making—and I will be happy to respond to a question from the Senator from California—is that we tried to strike a balance. We need to go where the people are. And California cries out for that at this moment.

I hope the Senator will continue to work with us. It isn't just happening on the San Bernardino. Tens of thousands of acres are dead and dying in the Sierras. The Tahoe Basin is in trouble. The Senator from Nevada attempted to address that along with us a few years ago. We are beginning to try to get some active management there. It is a tragedy waiting to happen again. It is happening in thousands of acres of forested lands across this country.

That is why we are trying to strike the balance. Not only do we have bug kill in the urban interface; we have it out there in lands that we have agreed, under a certain process and procedure, we might try to treat. That is my point. That is why I think you can be arbitrary here and have good logic for that arbitrariness. The Senator from California is arbitrary, as are we. She has a set of logic. I am trying to suggest that in a 60-mile-an-hour firestorm, fires do not listen to borders. They do not react to them.

Now if the Senator from California has any questions, I would be more than happy to respond.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the 70-percent number was taken out of President Bush's own budget request. This is not an arbitrary figure. It is a figure that was put in his budget. We have put it in the RECORD.

I don't want to talk about 5 years ago. But I will be happy to discuss the forest plans I have supported, because they always dealt with what the problem is, which is making sure we get rid of the brush, we get rid of the infestation, and we don't use this as a way to say the only way to have a healthy forest is to cut down every tree, particularly old growth. Then you don't have any forest. That is not my idea of healthy forests.

I don't have to go 5 years to prove where I have been. I ask unanimous consent to print in the RECORD this letter, dated April 24, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 24, 2003.

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

DEAR MR. PRESIDENT: We are writing you today to encourage your swift approval of California Governor Gray Davis' request of a Presidential emergency declaration for Riverside, San Bernardino and San Diego counties relative to the high threat of forest fire in these regions.

Due to drought conditions and infestation by the bark beetle, our national forests have been met with an unprecedented danger as the bark beetle has attacked over 415,000 acres of trees in these three counties. Because of the unique urbanization in and around the forests, this infestation has created a tinder box of such magnitude that the loss of life and resources would be incomprehensible should fire break out.

Most of the affected trees are on or adjacent to federal lands, making this crisis well beyond the ability of state and local authorities to manage. Therefore, it is critical that the federal government help provide financial assistance for infested tree removal from public and private lands, as well as assist with other mitigation measures. Now that the State of California has requested a federal emergency disaster declaration, your help at this juncture remains critical and would make a positive impact in these areas of Southern California.

Mr. President, we appreciate the various burdens being placed upon you in these challenging days. However, we urge you to consider this matter as expeditiously as possible since these areas are in need of immediate federal assistance.

Sincerely,

Mary Bono, Jerry Lewis, Barbara Boxer, Dianne Feinstein, David Dreier, Duncan Hunter, Joe Baca, Ken Calvert, Randy ''Duke'' Cunningham, Darrell Issa, Bob Filner, Susan Davis.

Mrs. BOXER. It reads:

We are writing you today to encourage your swift approval of California Governor Gray Davis' request of a Presidential emergency declaration—

Not just for San Bernardino—

for Riverside, San Bernardino, and San Diego counties relative to the high threat of forest fire in these regions.

We knew that. The people knew that. We were trying to get help. We said:

Due to the drought conditions and the infestation by the bark beetle, our national forests have been met with an unprecedented danger as the bark beetle has attacked over 451,000 acres of trees in these three counties. Because of the unique urbanization in and around the forests, this infestation has created a tinder box of such magnitude that the loss of life and resources would be incomprehensible should fire break out.

This is uncanny.

Most of the affected trees are on or adjacent to federal lands, making this crisis well beyond the ability of state and local authorities to manage. Therefore, it is critical that the federal government help provide financial assistance for infested tree removal from public and private lands, as well as assist with other mitigation measures.

So we didn't just limit it to removal of the bark beetle. We called for other mitigation measures. We said:

Now that the State of California has requested a federal emergency disaster declaration, your help at this juncture remains critical and would make a positive impact in those areas of Southern California.

We close with this:

Mr. President, we appreciate the various burdens being placed upon you—

Because this was at the time we were at war with Iraq—

In these challenging days. However, we urge you to consider this matter as expeditiously as possible since these areas are in need of immediate federal assistance.

I say to my colleagues, please, let's not stand up here and point fingers at each other. The fact is, this is a bipartisan group of colleagues begging for help, recognizing the fact that near at-risk communities we have work to do. I am happy this bill is before us today. I am thrilled at that. I thank my friends for helping me protect the health of firefighters and the children and the elderly there, as they did yesterday.

All I am saying is: Please, I don't change one word of your brilliant legislation. I don't take a word. I just say, take it up to 70 percent for the communities that live near these at-risk areas.

I will close by reading the people who signed this letter. By the way, it is a beautiful representation of California politics, from the most liberal to the most conservative. Signing this letter: JERRY LEWIS, MARY BONO, BARBARA BOXER, DIANNE FEINSTEIN, DAVID DREIER, DUNCAN HUNTER, JOE BACA, KEN CALVERT, RANDY DUKE CUNNINGHAM, DARRELL ISSA, BOB FILNER, and SUSAN DAVIS.

This isn't the time to have a finger-pointing argument, while I just lost a firefighter because no one declared this a disaster. That was the way it went. Please, let's not do that. Why don't we use this opportunity to come together across party lines, as my colleagues did with the underlying bill, and just realize that this fire says something to us. What it says to us is that these at-risk communities need more attention.

I guarantee you, if you support this, and we have a bill that really carries out what President Bush said should be the case—70 percent of the money being used at these communities—we will have made a great leap forward.

I hope we won't have a circumstance where we are going: What did you do 7 years ago and 10 years ago and 5 years ago and 4 years ago.

I will tell you what I did. I have been saying we have to clear brush around these communities. We have to clear trees, dead and dying trees in these forests. We have to thin. We have to go after the chaparral. We have a lot of work to do. Let's meet somewhere in the middle between those people who want to see more aggressive logging of old-growth trees. I respect your view. I don't attack you. I just don't agree with you. I don't think that is the answer to protecting our communities. The answer is helping us near these at-risk communities.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I compliment the Senator from California for this amendment, and the people who have joined with her, as indicated in the letter, are certainly headed in the right direction. What the Senator from California has stated is we should direct this very important legislation toward people. That is what this amendment is directed toward—toward people, communities, and areas.

Take, for example, this terrible tragedy in California we see every time we turn on the television set. If there had been hazardous fuel treatment around populated areas, some of these fires may have happened, but most of them would not have happened. This amendment is good for the firefighters. It is certainly good for the people who live in these communities.

As generous and as rich as we are in this country, there is not enough money to take down all the dead and dying trees and other trees that need to be taken down to have good forest health. We simply don't have enough money. But certainly we have enough money to take care of the populated areas of our country, and that is why the Senator from California says we have a limited amount of money, so let's put most of it toward protecting people. That is what this amendment does.

I hope this very reasonable amendment which is directed toward people is adopted. It is important.

I again applaud the Senator from California for bringing this to the attention of the Senate, and I am happy to be a cosponsor of this amendment.

Mr. CRAPO. Mr. President, I intend to move to table, so if anybody wants to debate before I do that, I will look around and see if someone wants to speak. I wish to make two quick comments about the debate before I move to table the amendment.

First, it has been suggested the intent of those who want to keep the bill the way it is is to allow cutting of old-growth forests. That is simply not the case. First of all, as everyone who has focused on this bill knows, we have provisions in the bill that protect old growth in the forests.

Second, the fact is, as I will say again, the bill gives communities and the Forest Service managers the flexibility to make the decisions about where the fuel reduction will be most effective to preserve and protect our forests and the people who live near the forests. Certainly, our focus on the Western Governors' proposal and the protection of communities is what we ought to be doing in this legislation.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 2043.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay.''

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 424 Leg.]

YEAS—61

Alexander	Bunning	Collins
Allard	Burns	Cornyn
Allen	Campbell	Craig
Baucus	Chafee	Crapo
Bennett	Chambliss	Daschle
Bond	Cochran	Dayton
Brownback	Coleman	DeWine
Dole	Kyl	Sessions
Domenici	Landrieu	Shelby
Ensign	Lincoln	Smith
Enzi	Lott	Snowe
Feinstein	Lugar	Specter
Fitzgerald	McCain	Stevens
Frist	McConnell	Sununu
Graham (SC)	Miller	Talent
Grassley	Murkowski	Thomas
Hagel	Nickles	Voinovich
Hatch	Pryor	Warner
Hutchison	Roberts	Wyden
Inhofe	Rockefeller	
Johnson	Santorum	

NAYS—34

Akaka	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Mikulski
Bingaman	Feingold	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Gregg	Reed
Byrd	Harkin	Reid
Cantwell	Inouye	Sarbanes
Carper	Jeffords	Schumer
Clinton	Kennedy	Stabenow
Conrad	Kohl	
Corzine	Lautenberg	

NOT VOTING—5

Edwards	Kerry	Nelson (NE)
Hollings	Lieberman	

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. STEVENS. Mr. President, I move to lay that motion of the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2030

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have an amendment, No. 2030, at the desk. I call that amendment up, please.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington (Mrs. MURRAY) proposes an amendment numbered 2030.

Mrs. MURRAY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure protection of old-growth stands)

On page 17, line 16, after ''(3)'' insert ''(4)''.

On page 18, line 23, strike ''by implementing'' and insert ''and implement''.

On page 19, line 11, strike ''by implementing'' and insert ''and implement''.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as all of us know, the Senate right now is debating the Healthy Forests bill, and I believe we need to do more in this bill to help protect America's old-growth forests.

Old-growth forests are stands of trees that have tremendous historic and cultural value.

I think we need to work hard to clarify a few parts of this bill so that Federal agencies do not misinterpret congressional intent in protecting historic and ecologically important resources.

This evening I am offering a perfecting amendment that will close two loopholes in this bill to ensure that our old-growth forests get the protection they deserve.

Before I turn to the details of my amendment, I want to comment on the horrible devastation we are seeing in California from wildfires. Like all Americans, I have been watching the shocking news coverage. My thoughts and my prayers are with everyone who has been affected. My brother is a firefighter. So I appreciate the sacrifices that are made by these brave men and women.

In my home State of Washington, we have been touched by terrible losses in recent years, including four young firefighters who died in the Thirtymile Fire on July 10, 2001, at Okanogan County.

It is clear that we have to take smart, responsible steps in this bill to reduce the dangerous fuel loads in our forests.

While it is too soon to draw any final conclusions about the fires in California, I think the fires highlight two challenges that ought to be a part of this debate.

First, it is clear that we don't have enough money in the budget to address our firefighting and fire prevention needs. In fact, today the Forest Service is borrowing from its fuel reduction accounts to pay for firefighting operations; that is, robbing Peter to pay Paul. The money reserved for fuel reduction, if it is used wisely, helps to prevent fires in the first place. The current budget is inadequate, and we are going to pay a greater price down the road if we don't address the resource issue.

Second, because the funds are limited, we have to do a better job of prioritizing how we spend the money that we do have. Specifically, we need to give a higher priority to those vulnerable lands in areas where wildlands and urban lands intersect. Those are spots where people and property are threatened.

If we address the hazards there—and if we educate homeowners—we will have a bigger impact with our limited funds.

I am looking for an aggressive plan to reduce the fuel loads in our forests, especially in the urban/wildland areas where people and property are endangered.

Old-growth forests are important for many reasons.

First of all, they represent ecosystems that are unique in nature. These forests are made up of a complex web of plants and animals, and climate and ecological conditions that are extremely different from what is found in younger or plantation forests. Certain animals and plants only live within these old-growth ecosystems.

If we are going to maintain a diverse species, we have to protect their habitat. Old-growth forests also have the cleanest drinking water, they provide structures for good salmon habitat, and they mitigate the effects of flooding and global warming.

Finally, these forests have great historic, recreational, and spiritual value which is important to all of us.

Hiking through an old-growth forest is truly a remarkable experience. I invite any of my colleagues who have not had that kind of experience to come to my State or to another State with a lot of old growth and have that kind of experience. You will understand why those of us who speak out on this floor are so passionate about this issue. In fact, in our old-growth forests perhaps is the only place where you can feel transported back hundreds of years and see what the very first explorers saw when they encountered these cathedral forests. They are a part of our history, and we cannot afford to lose them. Unfortunately, we have already lost many of these unique lands.

Old growth used to sweep across the Pacific Northwest, but recent studies estimate that old growth makes up between 10 and 18 percent of the lands in the Pacific Northwest and a mere 3 percent of lands nationwide. There is very little left today. We have to do all we can to ensure their survival.

I want to recognize my colleagues from Oregon and California who made this bill better by including an old-growth section in title I. As a result, this bill is now much better than what the President and the House first proposed.

But as I read the provisions, I saw two loopholes that we should close.

First of all, the bill lets the Forest Service and the BLM treat dangerous forests, and it provides protection for old-growth stands. Old growth can still be treated. It just has to be treated in a way that protects its unique character.

But if an area has insect infestations or is subject to trees being blown over, then the old-growth stands lose all of their protection. That is a big loophole. Any forest could be subject to strong winds that knock down trees. Any forest could experience insect infestation. Any forest could be subject to disease. Almost any forest could be damaged by an ice storm. It is just one of those things that happen. An old-growth forest could be drastically altered in ways that destroy its unique characteristic.

The underlying bill has a massive loophole in it that threatens old-growth forests and subjects them to unrestrained thinning. My amendment would simply close that loophole by making those lands subject to old-growth protection. My amendment, importantly, allows treatment of old growth. I know that is a concern to other Senators here on the Senate floor. It still allows treatment of old growth. It still must protect characteristics that we all recognize as important.

There is a second loophole that my amendment addresses. This bill has a fine directive to protect the integrity of old-growth stands. That is section 102, subparagraph (e)(2). I think we all can accept that standard. But I am concerned that it won't be carried out because it relies on forest management plans to be implemented.

Here is the problem with that. If the forest has a management plan that is less than 11 years old, that plan will not need to be updated to meet the new standards. That is a big loophole. It could mean that forests with relatively recent management plans don't have to enact the protections we are calling for in the bill. Fortunately, there is an easy way to close that loophole. It involves just changing four words in the bill.

My amendment does two things.

First of all, it ensures that all hazardous fuel reduction projects on Federal lands will protect old-growth forests.

Second, my amendment ensures that the old-growth standard in the bill applies to all Federal forests—not just those with older management plans.

I thank all of my colleagues and their staff who have worked very hard on this legislation.

The chairman and ranking members of the Energy Committee and the Agriculture Committee have been tireless on this bill.

My western colleagues from Idaho, Montana, Oregon, and California have all been looking after the best interests of their States and their constituents. I thank them all, and I appreciate their consideration of my amendment.

Old growth makes up just a fraction of our remaining public lands today. Many of these stands of trees are older than our Union. They are older than the settlement of the West. Some are older than Columbus' arrival in the New World.

We would not be doing our duty here on the floor of the Senate if we didn't do everything we could to protect them for future generations.

The amendment I am offering this evening will strengthen the protection in the underlying bill.

I ask unanimous consent that Senator BOXER and Senator REID of Nevada be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I compliment my colleague, Senator MURRAY, from the great State of Washington and the great job she does on behalf of her State. I appreciate all the hard work she has put into looking toward this amendment and others.

I hope in my opposition to this amendment I can at least provide some comfort that we have looked at trying to make sure the old growth in this Nation is protected. I rise today to oppose this amendment that would apply old-growth restrictions to insect and disease treatments, as well as to clean up after severe weather events. Part of why I do that is, simply, our forests are very different across this land. We want to make sure everyone is participatory in what we are doing in protecting and keeping healthy our forest lands.

Insects do not care about the size of the tree. In fact, as many scientists

have stated for years, they prefer older trees that are in poor health. Old growth, as I said, is very relative. In these older stands where trees are stressed for water and nutrients, insects will go after both large and small trees. The idea is to allow forest managers to go there and remove the problem trees, reducing the density of the stressed stands to immediately address the insect or disease problem which in our forests in the South are our most common and immediate problem. Insect and disease treatments are vastly different from preparing for a potential fire somewhere down the road.

I join my colleague from Washington in sending our prayers and thoughts to all of those who are valiantly fighting the wildfires in California and the families and the communities that are affected by those.

Fighting against an insect or disease outbreak is not like preparing for a fire. It is exactly like fighting a slow-moving wildfire. You would not ask firefighters to only fight a fire in certain sections of the forest, would you, and require them to skip around certain stands in the forest? It would seem ludicrous to do that. You could not effectively fight a fire that way.

That simple logic is why Chairmen COCHRAN and DOMENICI, and Senators CRAPO, CRAIG, FEINSTEIN, WYDEN, MCCAIN, KYL, and myself, have worked hard to craft some compromise language. We ensure that when our forest managers treat and prevent the spread of insect and disease outbreaks or attempt to clean up after a severe weather event, they do not have their hands tied to only treating a certain portion of the forest. Managers must be able to treat all of the forest or we are all just going to watch the forests die—both inside old-growth stands and throughout all of the forests of this Nation.

Forests in my State of Arkansas and throughout the country are being affected by unprecedented and catastrophic outbreaks of insect and disease. Whether it is the southern pine beetle in the Southeast, the sudden oak death in California, or the red oak borer in Arkansas, this Nation's public and private forests are under attack.

In Idaho, the Douglas-fir bark beetle is another predator of our forests. This beetle seldom attacks trees that are less than 12 inches in diameter. These bugs like large trees, optimally 24 inches in diameter and larger.

In this case, to prevent or mitigate an infestation, in many circumstances it is absolutely necessary to remove some of the larger trees in order to treat the insect outbreak. The larger trees have been devastated.

The southern United States and the Rocky Mountain West are currently experiencing outbreaks of bark beetles, including the southern pine beetle and the spruce beetle at levels unprecedented in historical times. As Senator MURKOWSKI demonstrated earlier, over 90 percent of the spruce trees have been killed in Alaska's Kenai Peninsula. In the Southwest, the pinion pines have suffered severe mortality. The Lake Arrowhead region is a horrifying example of where forest managers were unable to address the overdense stand conditions in a timely manner.

Right now, on the San Bernardino National Forest, over 230,000 acres, half of the forest land, have more than 40-percent tree mortality because of an outbreak of western pine beetle. This is a case in point where forest managers were unable to actively treat the area and it resulted in a massive insect infestation and right now is at a very high risk of catastrophic wildfires, as well.

In my home State of Arkansas, the red oak borer is attacking older, living oak trees at unprecedented magnitudes. Again, older growth is relative to the forest that you are talking about. This outbreak is rampant throughout the oak forests of Arkansas, Missouri, and Oklahoma affecting roughly one-third of the interior highlands.

The red oak borer complex is the greatest threat to the oak component in the interior highlands in recent history. This is from a native insect never before considered anything other than a minor pest or concern to the forests. These are insects that have been there forever. This is not something new that has just been introduced to our forests.

It is essential that we allow the Forest Service the flexibility it needs to attack this overwhelming problem wherever it happens throughout our forests.

This legislation is about forest health. We have done everything in working to bring about compromises in good conscience that are going to protect the health of our forests. It is about restoring forests to more resilient ecosystems, making these systems less susceptible to disturbances such as wildfire, insects, disease, and invasive species.

In my mind, reducing the flexibility to address these forest health issues will eventually destroy the very trees we have been trying so hard to protect. If we do not enable our forest managers to proactively address insect and disease outbreaks wherever they happen and before they become extensive, you can be sure insects such as the Douglas-fir bark beetle will be certain that there are no old-growth forests to protect.

I urge my colleagues to oppose this amendment and to remember one of the most critical parts when we are talking about old growth; that is, this is the first statutory protection for old growth that we have ever seen. There are protections throughout this bill for old growth, many focusing on smaller trees, but without a doubt, making sure the protections for old growth are there and recognizing this is the first time we have had statutory protection for old growth.

I encourage my colleagues to take a good look at this and to defeat this amendment and rest assured that we have done everything we can in this compromise to make sure we will protect that old growth, particularly with the statutory language we have but ensure the flexibility that we can also protect and save our forests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I rise for a few moments to second the remarks of the Senator from Arkansas and say this amendment, although certainly well intended, is a threat to forests, including old-growth forests in Missouri, Arkansas, and Oklahoma.

We have 300,000 acres of forests in those States that right now, as we speak, are infested with pests such as the red oak borer. The Senate needs to understand what happens when these pests descend upon the forests. The red oak borer will bore into a tree, create a huge gash, a deep hole in the tree. If you have ever seen it, it makes you feel for this tree. It lays its eggs in the tree so it interrupts the tree's ability to pass nutrients up and down the trunk, eventually killing the tree and laying other eggs that burrow deep into the tree or fly out and infest other trees.

The pest is getting stronger because we have not been able to manage it. They used to spawn every 2 years and now they spawn every year. We are in danger of losing whole forests, including old-growth forests.

As the Senator from Arkansas said, it is the older trees that are the most liable and the most vulnerable to this infestation. I don't want that to happen. There is no reason for it to happen. All we have to do is empower our Forest Service to manage the forests to take care of these trees, the old growth as well as the new growth, and prevent the spread of these pests.

I have talked to experts in Missouri. They are sad at what is happening. You cannot observe it without being depressed at what is happening. The trees die. When they die, the deadwood litters the floor of the forests. That is additional fuel which increases the risk of fire not only to the national forests but to the private landholders nearby. That increases the risk of property loss, of loss of life.

We do not want to have happen in Missouri what is happening in other parts of the country. We want to stop those fires that are occurring in California, as well.

This is a very important provision that a number of Senators have worked on for a long time. It is a carefully tailored compromise. It is a good compromise and one we ought to pass.

I respect the purpose of the amendment, but I encourage the Senate to vote against the amendment, and vote to table it if that motion is offered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I do not want to prolong this debate. I know

the managers have been here all day long and they want to move to a vote on this amendment.

Let me simply respond to my colleagues from the South and tell them that I understand insect infestation is a key concern in national and private forests.

I know my colleagues from the South face significant insect and disease issues. We certainly face them in the Pacific Northwest. However, I strongly believe we do not need to abandon the old-growth protections in this bill. The bill already allows old-growth stands to be treated for hazardous conditions. They simply must be treated in a manner to protect the old-growth characteristics.

Again, I know in most of the Nation 3 percent of the land is old growth. In the Pacific, it is 18 percent. It is a tremendous part of our heritage. It is something of which I think all of us should be very proud.

We need to be careful we do not take steps this evening with this bill that undo the heritage most of us are very proud of in this country.

With that, Mr. President, I yield the floor. I know my colleague from Idaho wants to move forward with a vote on this matter.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, before I make a motion to table, I thank my colleague, BLANCHE LAMBERT LINCOLN, for her efforts in protecting our forests in this bill against insect infestation. She has been working very hard and very closely with us in building this compromise.

This legislation does a tremendous job of making sure we can address insect infestations throughout our forests. It is a well-crafted compromise. And the legislation will be a significant benefit to our national forests.

With that, Mr. President, I move to table this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 2030.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 425 Leg.]

YEAS—62

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Baucus	Enzi	Nelson (FL)
Bennett	Feinstein	Nickles
Bond	Fitzgerald	Pryor
Breaux	Frist	Roberts
Brownback	Graham (SC)	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hatch	Smith
Chafee	Hutchison	Snowe
Chambliss	Inhofe	Specter
Cochran	Johnson	Stevens
Coleman	Kohl	Sununu
Collins	Kyl	Talent
Cornyn	Landrieu	Thomas
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
Daschle	Lugar	Wyden
DeWine	McCain	

NAYS—32

Akaka	Dayton	Leahy
Bayh	Dodd	Levin
Biden	Dorgan	Mikulski
Bingaman	Durbin	Murray
Boxer	Feingold	Reed
Byrd	Graham (FL)	Reid
Cantwell	Harkin	Rockefeller
Carper	Inouye	Sarbanes
Clinton	Jeffords	Schumer
Conrad	Kennedy	Stabenow
Corzine	Lautenberg	

NOT VOTING—6

Edwards	Hollings	Lieberman
Hagel	Kerry	Nelson (NE)

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, as far as we know on this side, there are two more amendments to be offered. If there are more, Senators should come forward and tell us. The amendments remaining are an amendment by the Senator from Washington, Ms. CANTWELL, and the Senator from Iowa, Mr. HARKIN, has an amendment. As far as we know, those are the only two amendments.

When these amendments are disposed of, we will go to final passage, as far as I know.

Mr. COCHRAN. Mr. President, if the Senator will yield, we have a few other amendments being discussed. We think we will be able to clear them. Discussions are underway. Other than those two amendments, I don't think any other amendment will require a vote.

The PRESIDING OFFICER. Who seeks time?

The Senator from Washington.

AMENDMENT NO. 2038, AS MODIFIED

Ms. CANTWELL. Mr. President, I call up amendment No. 2038, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Ms. CANTWELL) proposes an amendment numbered 2038, as modified.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Comptroller General to study the costs and benefits of the analysis of alternatives in environmental assessments and environmental impact statements)

In section 104, strike subsection (b).

Ms. CANTWELL. Mr. President, I ask unanimous consent that Senator JEFFORDS be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I thank the Chair.

Mr. President, I know the hour is already late for some Members. I believe we have had much time to discuss this legislation, but I do believe there are a couple of important amendments that are still yet to come that raise issue that are important for Members to understand. I am concerned that the underlying bill amends the National Environmental Policy Act, a benchmark statute that has been on the books since 1969. Because this is an important act, I believe I must stand up and offer this amendment.

I take great pride in the fact that I sit at the desk of Senator Henry M. Jackson who served as chairman of the Senate Interior Committee for many years. He was the prime sponsor and mover behind the National Environmental Policy Act, a landmark piece of national legislation that sets the tone for how our environment should be treated as we review the work of Federal agencies' actions.

I know my colleagues from California, Oregon, and Idaho are trying to move forward on hazardous fuel reduction projects. I am asking them to consider the impact of the major changes that bill proposes to make to the National Environmental Policy Act process with respect to hazardous fuels reduction projects. In addition, the bill before us leaves the door open for further changes in the National Environmental Policy Act in other areas besides hazardous fuel reduction, and that concerns me.

First of all, I really do believe that at the heart of this problem associated with hazardous fuels reduction is funding. It was the case in 2000 when we had a lot of fires throughout the West, and the Western Governors Association came together and said: Let's fund a hazardous fuel reduction account. The problem with the current practice is that Congress provides money for hazardous fuels reduction projects, but the funds are taken out of these accounts and used to fight fires, and the projects are not funded. In addition, we are not providing enough funding for hazardous fuels reduction projects.

I estimate that we need approximately $1 billion a year to do adequate hazardous fuel reduction in wildland-urban interface areas. Unfortunately,

the President's budget request for this fiscal year included approximately $300 million for this purpose.

I think all of my colleagues can agree that we have to come together to authorize and appropriate adequate resources to prevent fires ahead of time. We should not short-fund hazardous fuels reduction and take those limited resources to fight fires when they happen.

I applaud my colleagues for their leadership on this issue, particularly the Senator from Oregon, and for putting this legislation forward.

My colleagues on both sides of the aisle are also trying to bring up the fact that they think it is important that hazardous fuel reduction projects proceed smoothly. That is why I would like to point out to my colleagues that the Forest Service does provide categorical exclusions for hazardous fuels projects. According to the U.S. General Accounting Office, sixty percent of projects in 2001–2002 received categorical exclusions. These projects did not require the agency to prepare an environmental impact statement (EIS) or an environmental assessment.

A second group, about 34 percent, has been approved via environmental assessments, which are much shorter than an EIS.

Only 6 percent of the projects have had to go through the full EIS process.

These figures are outlined in an October 2003 GAO report that clearly shows that the National Environmental Policy Act has not held up progress on hazardous fuel reduction. What has held up progress is the failure to provide adequate funding in this area.

So I ask my colleagues why should we change the National Environmental Policy Act, a landmark piece of Federal legislation that has protected the environment since 1969?

Some of my colleagues have suggested that the law's requirement that the Forest Service consider alternatives has delayed hazardous fuels reduction projects. However, numerous court cases have held that in some circumstances two or three action alternatives are adequate to comply with NEPA. Specifically, the Ninth Circuit held that in the cases of Friends of Southeast's Future v. U.S. Forest Service and the Muckleshoot Indian Tribe v. U.S. Forest Service, that two or three alternatives, in addition to the preferred alternative and the no-action alternative, will satisfy NEPA.

The case law does not say that 30 different alternatives must be considered, or 10 different alternatives, or 7 different alternatives, or 6 different alternatives, or even five different alternatives. It is saying that in certain cases, two or three can be adequate.

I think my colleagues are well intentioned. However, I have real concerns about the proposed change to the National Environmental Policy Act, that has been on the books since 1969. The bill before us would limit the number of alternatives to: one, the proposal for hazardous fuel reduction; two, the alternative of doing nothing or; a third alternative, which is the only real alternative. In the case of a proposed fuel reduction project in the Northwest, someone could propose taking no action because we do not have to do that hazardous fuel reduction, and then someone else says, maybe here is an alternative.

Well, my concern is that we are throwing the baby out with the bathwater. If only 6 percent of these cases really have not had the categorical exemption of not having to go through an EIS and only three percent are ending up in court, then the National Environmental Policy Act is not the cause of the holdup.

Washington State has been the subject of many forest fires and many tragedies, most recently the tragic Thirty-mile fire in 2001. Much of eastern Washington is under condition class 2 and condition class 3, and, therefore, could be subject to this bill. My concern is that if a city wants to propose an alternative, it might be precluded from offering an alternative that would address concerns over the impact of the hazardous fuels reduction project on water quality.

So I would say to my colleagues, let us fund the hazardous fuels reduction account. Let us move forward to promote healthier forests. If we truly see that the National Environmental Policy Act delays project, even though only 3 percent of hazardous fuels projects have ever reached court, then let us come back and change the law.

I am truly concerned with the proposed change to the National Environmental Policy Act. What will stop other legislative proposals from coming to the Senate floor to change the National Environmental Policy Act in other areas? Are Members who are going to support this underlying language ready to stop at hazardous fuel reduction, or do they want to change NEPA all across the board?

For example, say one's community has to consider a proposal to build a new gas pipeline. Pipeline safety has been an issue of great controversy in the State of Washington, which had a pipeline explosion several years ago that killed several people. What if only one alternative was considered for the route of a gas pipeline going through one's State? I want to make sure the current law says reasonable alternatives are considered so that no community, no citizen, no organization with standing is left out in the cold.

That is what Henry M. Jackson was thinking about when he wrote the National Environmental Protection Act. He thought about making sure the public had a chance to participate in the process. He wanted to make sure they had the ability to have the issues that they wanted to be addressed and considered.

The Forest Roads Working Group, an organization that has operated with the blessing of the Bush Administration, along with other organizations, has raised similar concerns. These organizations have expressed their support for the public to have a say and to retain the ability to participate in the decision-making process.

I know my colleagues want to move forward on a plan that will make all communities more secure, that will make our forests more healthy. I applaud them for that, but I also hope Members will stop and think about the statistics that GAO has outlined. This dispute is not fundamentally about the EIS process and the number of alternatives. The Forest Service has the ability to proceed via categorical exemptions. It can develop an EIS when it needs to analyze complex proposals. If we start changing NEPA with respect to hazardous fuels projects, where are we going to stop?

I urge my colleagues not to change legislation that has been one of the landmark pieces of environmental law that this body saw fit to pass in 1969, but rather to keep that legislation intact and fund hazardous fuel reductions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senator from Washington has made a number of extremely important points, points with which I certainly agree. Having served as chair of the forestry subcommittee and now ranking minority member, I can tell my colleagues the Senator from Washington is absolutely right with respect to her concern about adequate funding. For example, the bill from the other body provided no funding for the thinning projects. This legislation increases funding 80 percent. So her point with respect to making sure there is funding is dead on correct, and I think not only that point but other points she has made are correct.

In spite of that, I do have to oppose the amendment tonight, and I want to take a couple of moments to say why.

First, let me stress how important public participation was to me and to the other Senators who are involved in putting together this bipartisan compromise. If there is one thing, just one, that I want to stand for in my career in public service, it is the right of citizens to participate. That is why I have open community meetings in all my counties. It is why I have sidewalk office hours. It is why, as so many Senators, I try to make myself available as widely and extensively as I can.

So I come tonight to say with respect to this key issue, this key question of public participation, not one current opportunity for public involvement would be lost under this compromise. I say that again. Not one current opportunity for public comment would be lost under this proposal.

There are three alternatives that people would be part of examining and, in fact, the public would have a right to come forward and offer their own. It

seems to me that that gives us a chance to keep the greatness of the National Environmental Policy Act, a statute more than 30 years old, while at the same time allowing us to deal with some of the concerns such as the unnecessary redtape and paperwork.

This proposal in the legislation we are considering cuts the alternatives from five, to nine, essentially to three. I am of the view that, while it is appropriate to have a host of these alternatives under the National Environmental Policy Act, when, say, the Federal Government is building a road, which is a broad purpose concern, I think when you are talking about this area and projects that are narrowly drawn, limited in where they can occur and how, it is appropriate to try to boil down the NEPA alternatives to the three that we have offered in this legislation.

Mr. President, the Senator from Washington makes the argument that, in effect, the Senate will be starting down a slippery slope. I would just say to the Senator from Washington, I am convinced that because there are good people in the Senate, such as the Senator from Washington, that will not be the case. If someone comes forward and tries, for example, to unravel the National Environmental Policy Act, or even apply what we are doing in this area to every area, there will be opposition from a whole host of Senators, including this one. Nobody is talking about doing this in a host of other areas. We are talking about saying in this one area where we have been told by, for example, the Governors, it is not just a question of spending more money, it is a question of how you spend the money, I think this compromise strikes a reasonable balance.

I urge my colleagues to support this compromise. The compromise is dramatically different than the approach the other body takes with respect to the National Environmental Policy Act. The other body basically kicks the public out by predetermining the National Environmental Policy Act alternatives. What is offered in the compromise preserves all opportunities for public input and appeal, while making sure that we deal with the paperwork and some of the unnecessary redtape.

I urge my colleagues to support what is in the compromise because not one current opportunity for public comment would be lost, and all of us want to make sure that on an issue that citizens care so strongly about their right to be heard is preserved. This compromise does that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I join with my colleague from Oregon in opposing this amendment. Let me make a couple of quick points.

First of all, if the Senator from Washington is concerned about the issue of funding, we increase by 80 percent the funding provided for fuel load induction.

With regard to process, the process in this bipartisan amendment will require the agencies work together in collaboration with the public to develop proposed projects.

It will allow the communities to develop community protection fire plans to help land management agencies better understand their individual needs.

It requires the agency to publish a notice of each proposed hazardous fuel reduction project authorized under the act.

It requires the agency to hold public meetings to describe the project and take the public comments on the project.

It requires a NEPA analysis of two action alternatives and one no-action alternative.

It requires the agency to facilitate a predecisional protest process once the project analysis has been completed, and then the publication of a final decision notice.

Finally, it allows the public to pursue a case in the courts if, after all of that, they still do not support the outcome of the decisionmaking process.

Because of this, I believe it is very important that we do not continue to increase the cost and the bureaucracy surrounding the management of these decisions. Therefore, I oppose the proposed amendment.

Mr. President, I move to table this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion to table. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. ROCKEFELLER) would each vote ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 34, as follows:

[Rollcall Vote No. 426 Leg.]

YEAS—57

Alexander	Baucus	Brownback
Allard	Bennett	Bunning
Allen	Breaux	Burns
Campbell	Fitzgerald	Miller
Chafee	Frist	Murkowski
Chambliss	Graham (SC)	Nickles
Cochran	Grassley	Pryor
Coleman	Hagel	Roberts
Collins	Hatch	Santorum
Cornyn	Hutchison	Sessions
Craig	Inhofe	Shelby
Crapo	Johnson	Smith
Daschle	Kyl	Snowe
Dayton	Landrieu	Stevens
Dole	Lincoln	Sununu
Domenici	Lott	Talent
Ensign	Lugar	Thomas
Enzi	McCain	Voinovich
Feinstein	McConnell	Wyden

NAYS—34

Akaka	Dorgan	Levin
Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Graham (FL)	Nelson (FL)
Boxer	Gregg	Reed
Byrd	Harkin	Reid
Cantwell	Inouye	Sarbanes
Carper	Jeffords	Schumer
Conrad	Kennedy	Specter
Corzine	Kohl	Stabenow
DeWine	Lautenberg	
Dodd	Leahy	

NOT VOTING—9

Bond	Hollings	Nelson (NE)
Clinton	Kerry	Rockefeller
Edwards	Lieberman	Warner

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Senator HARKIN has the last amendment, we are told, and then we can go to third reading. Everyone should understand the regular order following final passage of this. We go to the Foreign Operations appropriations bill.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2045

(Purpose: To provide authority for title I)

Mr. HARKIN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa, [Mr. HARKIN], for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. BOXER, Mr. LEAHY, and Mr. DURBIN, proposes an amendment numbered 2045:

At the end of title I, add the following:

SEC. 109. AUTHORIZATION.

The authority provided by this title applies during the 5-year period beginning on the date of enactment of this Act.

Mr. HARKIN. Mr. President, I permitted the reading of the amendment to show how simple it is, one sentence. Basically, this amendment provides for a 5-year authorization to title I of the bill. Currently, this bill is drafted as permanent law, which means these provisions continue in perpetuity. I don't believe that should be the case.

This amendment is very reasonable and should not be controversial. It is consistent with past policy on authorizations. For example, the Wyden-Feinstein bill and others introduced in the past several months have always wisely provided for a 5-year timeline. Why this bill does not have a 5-year timeline eludes me.

Most of our major authorizing bills include a specified term of years; for example, the 2002 farm bill, the Agriculture Committee child nutrition bill, which expires every 5 years, the Transportation bill, and on and on with many others. This is particularly true of legislation that attempts to legislate a different approach than what is historical practice or that is controversial in some way. Again, those both apply here.

We are legislating a different approach than what has been historical practice. It is, obviously, somewhat controversial. In doing so, this 5-year timeframe provides a structured mechanism for Congress to review the effectiveness of this new approach. I believe it is the prudent thing to do.

The bill we are debating today would significantly change how we manage millions of acres of public land. It alters the National Environmental Public Act, NEPA, as we have discussed. As we all know, the bill changes the judicial review process in addressing hazardous fuel cases. It changes the Forest Service appeals process as well. It provides well-intended protections for old growth. But these may be lacking in some key respects. And the bill involves actions that will affect public safety and protecting communities throughout the country from wildfire risk.

These are significant changes. It makes perfect sense that Congress will want to review the impact and effectiveness of the legislation after an initial period of 5 years. Indeed, I believe it is our responsibility to do so.

Currently, the legislation's authorities can be used on 20 million acres. That is a cap, and I assume some may argue that is an effective limitation on the bill. Yet this could take much longer than 5 years at the current rate of hazardous fuels reduction.

In fiscal year 2002, the Forest Service reduced fuels on 2.2 million acres of land. If we just keep that process up, you can see that the 20 million acres would not be reached for, well, a minimum of 10 years.

Now, some would argue that simply because we have a cap, that is why we should not include a 5-year authorization. Yet if all is going well, and the agencies have not yet treated the full 20 million acres, certainly the Congress can extend the authorization beyond its initial 5-year period.

We do that all the time. We come here all the time to extend authorizing bills. But it does give the relevant committees a chance to take a look at it and to see whether tweaking needs to be done or whether it needs to be reauthorized for that period of time. It sort of forces us to do our responsibility; that is, to review legislation periodically. Moreover, we can make improvements when the time comes.

Now, again, some will argue that this acreage cap is an effective authorization or a sunset, but it is not. It is simply a cap on acreage, nothing more. So I think adding the 5-year authorization to this bill is a fairly conservative, reasonable, appropriate step to take in line with much of what we do around here in terms of the length of time of legislation.

I know many of us, even those who will ultimately vote for the bill's passage, would be comforted to know in several years' time there will be an opportunity to review its impact, discuss it, and perhaps make improvements.

So, again, I urge my colleagues to support this amendment and kind of keep it in line with most other types of legislation of this nature that we pass around here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, there is no question that what the Senator from Iowa has talked about, the limitations that are built within the legislative process, are there.

He is the reigning member of a full committee that has a forestry subcommittee. I am chairman of another forestry subcommittee. We are going to monitor very closely this bill, if it becomes law. Probably we are 6 to 8 months away from regulation writing alone that will hit the ground and become active. So already we will probably have an operative life of only 4 years, if the amendment of the Senator from Iowa were to become law.

Our job is oversight. The Senator's job is oversight. Because this is a controversial issue, it is incumbent upon us to make sure we monitor it closely. Many of our forest experts across the country who look at the magnitude of the problem of forest health today are going to suggest that even if we can reach our cap limits within 5 years, the public and the resource will cry out that we continue for years to come in a thinning and cleaning process.

So I would hope our colleagues would join in sustaining the bipartisan compromise that is reflected in the legislation that is before us this evening.

Before I close, and because this appears to be the last amendment, I want to make one more comment in the way of an article that was written in the San Jose Mercury News by Paul Rogers and Josh Susong. It appeared, apparently, today. Let me read, very briefly, the first page of this article. I will ask that the entire article be put in the RECORD.

The dateline is: Lake Arrowhead, CA:

The oil industry had the Exxon Valdez. Nuclear power had Three Mile Island.

Wednesday, with flames menacing one of Southern California's most beloved mountain resorts, Lake Arrowhead in the San Bernardino Mountains risked becoming forestry's equivalent—a disaster so overwhelming it could change U.S. environmental policy for decades to come.

The area, filled with overgrown, diseased and dying trees, has gained a reputation in recent years as one of the worst examples of forest mismanagement in the West.

If much of Lake Arrowhead or nearby Big Bear Lake ends up burning, fire experts said it could prompt rapid changes, including congressional orders for much more logging to thin the nation's overgrown forests. . . .

Well, we are already responding. This article is actually behind, and we are responding with the kind of bipartisan compromise that is before us tonight. But the article goes on to say:

Flames destroyed more than 300 homes near Lake Arrowhead Wednesday—

That is yesterday—

with no end in sight.

Forests there would have burned naturally every 20 years, said [a Forest Service expert]. . . . Areas that historically had 50 trees per acre now have 500 [trees per acre].

Well, the article goes on and on, but here is something that it talked about. And, of course, we have not seen the evening news tonight because fires are still burning in the Lake Arrowhead, San Bernardino forest areas.

It says:

Fire crews worked desperately to stop the advance as it moved toward 44,000 homes, 2,000 businesses and 80,000 outbuildings—property with an assessed value of $8 billion.

''This may be a landmark event. This fire could take out 20,000 homes in the next day or two,'' said . . . a professor of earth sciences at the University of California-Riverside.

And the article goes on and on.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From San Jose Mercury News, Oct. 30, 2003]

LAKE ARROWHEAD: FEARS OF A LANDMARK DISASTER

(by Paul Rogers and Josh Susong)

LAKE ARROWHEAD.—The oil industry had the Exxon Valdez. Nuclear power had three Mile Island.

Wednesday, with flames menacing one of Southern California's most beloved mountain resorts, Lake Arrowhead in the San Bernardino Mountains risked becoming forestry's equivalent—a disaster so overwhelming it could change U.S. environmental policy for decades to come.

The area, filled with overgrown, diseased and dying trees, has gained a reputation in recent years as one of the worst examples of forest mismanagement in the West.

If much of Lake Arrowhead or nearby Big Bear Lake ends up burning, fire experts said it could prompt rapid changes, including congressional orders for much more logging to thin out the nation's overgrown forests, a loss of public confidence in environmental groups that have resisted such logging, and billions more taxpayer dollars spent on fire protection.

Flames destroyed more than 300 homes near Lake Arrowhead Wednesday, with no end in sight.

Forests there would have burned naturally every 20 years, said Tom Bonnicksen, a professor of forest science at Texas A&M University. But with homes at risk, the blazes were regularly extinguished. Areas that historically had 50 trees per acre now have 500.

''Who's to blame? It depends on which decade you are talking about,'' said Bonnicksen.

By the 1970s and 1980s, warnings from fire experts went unheeded by homeowners' associations around Lake Arrowhead. They protected their trees to preserve property values.

''You couldn't even cut the limb off a damn tree without getting a permit,'' said Minnich. ''These people have wanted to save every leaf.''

The last sawmill in the area closed in the mid-1980s. More recently, environmentalists have pushed hard to limit logging of large trees there.

''The handwriting was on the wall several decades ago,'' said Bonnicksen. ''Anyone in forestry could forecast that the inevitable outcome would be the forest would burn down or the insects would kill it and then it would burn down.''

The U.S. Forest Service said Wednesday its policy on forest thinning has been guided by public opinion.

''People didn't move there to be next to a logging operation,'' said . . .

Fire crews worked desperately to stop the advance as it moved toward 44,000 homes, 2,000 businesses and 80,000 outbuildings—property with an assessed value of $8 billion.

''This may be a landmark event. This fire could take out 20,000 homes in the next day or two,'' said Richard Minnich, a professor of earth sciences at the University of California-Riverside.

WARNINGS OF DANGER

The loss of Lake Arrowhead would be stunning but not entirely surprising. For the past three years, fire experts have described the resort community 100 miles northeast of Los Angeles as a catastrophe waiting to happen.

Four years of drought have hammered the region. The area's weakened ponderosa pine and fir trees became infested with bark beetles, and by this summer millions of trees were dead across 350,000 acres.

Limbs fell on cars and homes. Local residents, facing county citations, paid up to $1,000 per tree to contractors in a frantic attempt to remove the tinder-like fuels. They barely made a dent.

The reason: The forests are unnaturally thick. Fire crews began putting out fires in the area in the early 1900s, when James Gamble of Proctor & Gamble built a dam to create the lake, and vacation cabins from a growing Los Angeles began to spring up in the 1920s and 1930s.

Forests there would have burned naturally every 20 years, said Tom Bonnicksen, a professor of forest science at Texas A&M University. But with homes at risk, the blazes were regularly extinguished. Areas that historically had 50 trees per acre now have 500.

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The U.S. Forest Service said Wednesday its policy on forest thinning has been guided by public opinion.

''People didn't move there to be next to a logging operation,'' said spokesman Matt Mathes.

Mathes said when the trees began to die off from bark beetle infestation, the San Bernardino National Forest increased its budget for fire-thinning from $2 million in 2002 to $12 million this year.

Charles Griego, who's been trimming trees in the area for years, left his home near Lake Arrowhead on Wednesday with his wife and three sons and a pile of family pictures.

He shook his head when he talked about the downed trees and the agencies—federal, state, anybody. ''They've known they had a problem for years,'' he said, ''and they didn't do anything.''

ANGRY E-MAILS

As the fires burned, angry e-mails began pouring in Wednesday to the offices of environmental groups blaming them for the disaster.

Monica Bond, a wildlife biologist with the Center for Biological Diversity in Idyllwild, said that although her group has appealed and sued to block a government forest-thinning operation in the Sierra Nevada, it had not done so in the San Bernardino Mountains. The trees need to be logged and removed, but large trees should be left for wildlife habitat, she said.

''Some people are shamelessly exploiting this tragedy as an excuse to log big trees in remote areas,'' she said. ''There is no need to do that.'' Bonnicksen, who has worked with the timber industry, said he supports President Bush's ''Healthy Forests Initiative,'' to thin overgrown national forests and cover the costs by allowing timber companies to take some large, old-growth trees.

''If Lake Arrowhead burns down, there will be a massive reaction,'' he said. ''It will be finger-pointing like you can't believe. I'm more interested in having us understand why it got this way, and preventing it from ever happening again.''

On the Senate floor Wednesday, Sen. Dianne Feinstein, D–Calf., held up pictures of California forests. She succeeded in convincing the Senate to pass an amendment to Bush's logging plan that would require 50 percent of thinning to be done near homes, and to provide $760 million to offset the costs.

''Look at these homes. Look at the dead and dying trees,'' she said of Lake Arrowhead. ''Does anyone believe they have a chance of surviving if this forest is not cleaned?''

Mr. CRAIG. Mr. President, what we are about to conclude tonight is a 3- to 4-year effort on the part of many folks of good will on both sides of the aisle to bring some modicum of change. This is not a giant leap forward. This is a cautious, careful step to assure that we can begin to address our forests that are overgrown, that are diseased, that are now caught up in the scenario of wildfire, as we see it playing itself out in southern California today.

Without a doubt this is a national emergency and a national crisis. We are being asked to spend upwards of $1.2 billion a year of taxpayers' money simply to put the fires out, let alone the cleanup and the restoration and the saving of watersheds and wildlife habitat.

So I would hope we could continue this process and monitor it closely. My last hope is that the work tonight can go to the President's desk, can become law, and we can say we, once again, have become reasonable and responsible stewards of our forested lands.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President. The hour is late. I am going to be very brief.

I am opposed to this amendment. This is not an unlimited bill. It has a 20-million-acre cap. Suffice it to say, we are going to have a lot of oversight in both the Agriculture Committee and the Energy and Natural Resources Committee.

But I also thank the Senator from Iowa with respect to how he has handled this legislation. He has been exceptionally kind and helpful to me. He has had differences of opinion with me on this issue. I thank him for all of his cooperation.

Suffice it to say, Mr. President and colleagues, the West has been watching the last few days, and in a particularly contentious area, the Senate has been able to find an awful lot of common ground. Even on some of the amendments that we have had—the question of the urban interface funding initiative, whether it should be 50 percent or 70 percent—these are areas where reasonable people can differ. It is awfully easy to polarize on this issue, to drive people into rival camps, and to a great extent the Senate has avoided this.

So what is important tonight as we deal with this last substantive amendment—and then we have a couple of procedural matters, colloquies, and that sort of thing to finish—is that we recognize how important it is to get this bipartisan compromise to the President's desk.

The bill that the Senate will pass tonight is the one that I believe ought to become law, and it is absolutely critical that it be the one to get to the President so it can become law.

So I hope Senators will continue to work together on a bipartisan basis and make sure the Senate compromise does not unravel.

In addition to the Senator from Iowa, who has been so helpful throughout this process so we could expedite it, Senator COCHRAN from Mississippi, since the days that we spent those long hours in his office, Senator CRAIG, Senator DOMENICI, Senator CRAPO, and others, a lot of people thought we would never get to this night.

One person who did was the senior Senator from California who I have been so honored to have had on my subcommittee over the years. We wouldn't be on the floor tonight without the senior Senator from California who consistently, when we bumped up against an issue where we couldn't bring people together, it was the Senator from California who broke the gridlock. I want the Senate to know how much this body should appreciate the contribution of Senator FEINSTEIN. This Senator does in particular.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are wrapping up this bill. I think everyone knows that it essentially came from the Agriculture Committee of the

Senate. Many of us thought it was going to the Energy and Natural Resources Committee, but it was ruled that it belonged more in the jurisdiction of Agriculture. I feel very good about the results. I am very pleased with Chairman THAD COCHRAN's efforts and those of the Agriculture Committee, in a bipartisan manner, producing this bill and then further negotiations to even make it better.

I am not so sure had it been sent to the Energy and Natural Resources Committee, where in years past we would have thought it should go, that we would have produced as good a bill. With the amendments that have come forth because of efforts after the bill came out of committee, it is truly remarkable that we were able to achieve this. It is almost as if the problem couldn't possibly have existed so long because of the way it has worked out. It is like an overwhelming number of Senators have come to the realization that it is time to fix a broken set of management tools for the forests of our country.

I think we have fixed them. I can tie this into the pending amendment by saying, it certainly isn't anything you are going to fix in 5 years. So for those who might have in mind that we have this bill for 5 years and then we start over, we are probably going to need 15 or 20 years of effort under this bill, with plenty of resources, to get the forests of America back where they should be. Where they ought to be is they ought to be beautiful forests, but they ought not be so susceptible to burning down. We all know that.

It is just incredible that it has taken so long to get where we are. I know what Senator CRAIG read into the RECORD a while ago from the newspaper in California because I read it a while ago. Whoever wrote it is right on. This horror that we lived through was no accident. It is the result of not doing what we ought to do because certain groups in this country didn't want it to be done—plain and simple.

They know who they are and the people know who they are. It happens that every time we turn around and talk about them, there is an excuse now that they really didn't do it; They weren't really against this; They were for fixing the forests all along; They have been for modifying our laws for decades; right?

Well, that just isn't true. We have finally come around, but it surely has taken a long time.

Anybody looking at this Nation on this one would have a real complaint about the slowness of the democratic process. Because it wasn't all of a sudden that this problem came upon us; it has been around. It has been up and down, through the hills, burning the mountains. It leaves millions of acres dry, pieces of wood standing in the air that have been infested. And then still there are people going to court, groups saying, don't cut them down.

These fires cut them down. These fires make them disintegrate. They don't even burn down; they just go poof and there goes a tree. That is about how it goes.

I have seen it. I had one that was bad. Three hundred fifty homes burned down. Probably with the number of homes and the damage, it was the second largest one. But it paled in comparison to this one.

Frankly, before these forests that are dead and should have already been cut down, before it finishes in California, there will be no room for excuses. There is going to be a whole bunch of people who will want it all solved next week, in particular those who have been in the way of fixing it. They are going to be saying: Why isn't it fixed?

We are going to have to pour in three times as much money, in my estimation, as we have been putting in. I don't know if we can find the manpower to put in the Bureau of Land Management and the forests to do the kind of work we have to do. I am not sure we can. It is such a huge job to clean up these forests that I am not sure, if you put down a timeline and said, here is where we ought to be, we would get there. We are going to have to contract it out. We will have to have all kinds of approaches to get in there and just take out all that stuff that is all over the bottom of the forests, under the trees, just waiting to burn. That is no easy job.

For those who are so worried that we were going to log the forests to death, they have watched them burn to death. We were not going to log them to death so we watched them burn to death. That is what happened.

It is high time we fix it. I don't know if I will be a conferee. Maybe they will all be off the Agriculture Committee. If I am, I can pledge that I am in a hurry. I have a lot to do, but I am in a hurry.

Everybody who goes to this conference ought to be in a hurry, not only in a hurry to get a bill but in a hurry to get a bill that can clear the Senate and get the President to sign in the shortest period of time. That is what we ought to be worried about next. It isn't so good to get this done and be at it 6 months and then find that the President doesn't like what we have done because we have changed things so much.

I thank not only Chairman COCHRAN but I thank the staff of the Agriculture Committee. They have been tremendous. We have had the luxury of working with them from our staff. But I can tell you, had it been assigned, we couldn't have done it any better with the full staff. And they have done it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wanted to say a few words. Actually, Senator CRAIG was one of the earliest people with whom we began to work on these issues, from the California perspective, many years ago on the Quincy Library Group. That began to develop kind of an across-the-aisle bond.

Then when Senator WYDEN became ranking member of the Subcommittee on Public Lands and Forests in the Senate Energy Committee, he really took a great interest in this subject as well. So it has been a terrific pleasure for me to work with him as well. He has carried this out in an absolutely superlative way.

I also want to thank Senator DASCHLE, Senator LINCOLN and Senator PRYOR, who have been a crucial part of this legislation, Senator MCCAIN, Senator COCHRAN, Senators CRAPO and DOMENICI. I am looking for people in the Chamber who have been part of this effort.

I hope the American people are proud of us tonight. I believe we have worked as the American people want us to work—not out of mean-spirited partisanship but rather, sitting together and working across the aisle to work out compromises. That is what this bill is. We had to cement certain compromises in order to see that the bill covered the United States fairly and also met the concerns of both sides of the aisle.

This bill is funded. It is about double the amount of money that we have had in the past to treat those lands that are at high risk of catastrophic fire. The House bill is not funded. Additionally, this bill leaves intact a collaborative citizen participation process in an administrative review procedure. It leaves intact the ability for judicial review, but it truncates it in a way that allows us to move more aggressively on the 20 million acres that are encompassed in this bill.

It is interesting to me to hear people say: Oh, they are just going to log all the forests. In fact, that has never been the case. There has always been a set number. In this bill, it is 20 million acres. We have 54 million acres across the United States that is at the highest risk of catastrophic fire. In my State alone, we have 8.5 million acres. It is going to take a new mindset for people if we are going to be able to do what we need to do.

Since Senator CRAIG mentioned the Old Fire, which is currently burning in California, I just wanted to give you all a brief update. Currently, I have my State director at the command center in San Bernardino. I just want to report that with respect to the Old Fire, which is the huge fire they thought would consume all of Lake Arrowhead and a number of other threatened mountain towns where there are 50,000 to 60,000 residential homes, they have had a good day today. It began to rain this morning, the fog is in, and the air remains moist. They couldn't see the smoke for the fog, and for the first time on the fire lines, there is a sense of optimism that these heroic crews are going to be able to get a hold on this fire. Most importantly, they were able to bulldoze a line ahead of that fire. Over five hundred homes have been lost in that particular fire so far. Hopefully, there will not be many more

lost, and, hopefully, within a matter of a few days that huge fire can be put under control.

As we know, the town of Julian, which is a gold mining town in the San Diego area, has eight firefighters. All eight firefighters fighting these fires have lost their homes. One distinguished firefighter, Steven Rucker, who came down on mutual aid from the city of Novato in northern California lost his life. I think we all salute him.

There is an enormous lesson in these devastating fires currently burning in my home State, and it is that the land has to be managed. The forests have to be managed. We have to do the right thing for our constituents. We are pushed and we are pulled by conflicting interests. I believe the Senate version of this bill is a good bill. It is a good bill from the interests of the public, and that is what has to count in this matter.

I thank the Chairman of the Agriculture Committee, Senator COCHRAN, who has been instrumental in leading this effort; Senator DOMENICI, my friend and colleague, and Senator HARKIN, the ranking member on the Agriculture Committee. I hope my colleagues will join me in supporting this bill.

I thank the chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to close out my amendment. There were a lot of speeches, but not too many on my amendment.

I would like to bring it back a little bit, anyway. I again point out that the pending amendment is one that basically says we are going to authorize it, but we are going to authorize it for a period of time.

I say to my good friend from Oregon—and he is my good friend—I know he and others worked so hard on this bill and got a good compromise. I understand that, but I don't think that putting a time on this bill violates any compromise. As I pointed out, earlier bills have had a 5-year time limit.

I know my friend from Idaho talked about monitoring, the fact we monitor bills. Of course, we monitor bills. There is that old saying: Nothing focuses one's attention like the hangman's noose. When you find that something is expiring, that is when a committee starts to act, review, and get into it, perform its responsibilities.

It is in that nature I have offered this amendment. I don't think it does anything to hurt the bill or change it. It doesn't change one thing in the bill. All it says is at some point down the track, 5 years—I picked 5 years because that was in earlier bills—the appropriate committee—in this case the Agriculture Committee—will reauthorize it.

Sometimes a reauthorization goes through by unanimous consent. That may be the case with this bill. I don't know. Maybe if this bill works as everyone says it will, it might go by unanimous consent or maybe we will want to change something. At least it will force the committee to do something at that time, and that is in the nature of why I offered this amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I will be very brief. I know Members are here waiting for a vote. I also have to rise in opposition to the amendment. When we first began crafting the legislation in the Agriculture Committee, of which I chaired the Forestry Subcommittee, our first thought was to have no limit on time and no limit on acreage because, frankly, this is a good bill and it provides good management techniques we ought to utilize until we can devise better ones for our forests.

However, in the compromise through the negotiation process, as we were working to make this a strong bipartisan bill and bring it together, we agreed to a 20 million acre cap. I believe that 20 million acre limit is very modest compared to the risk we face. We need to put a perspective on this. The fact is the estimates are that there are 100 million acres at risk in America today, and this bill has a 20 million acre limit.

If anything, we need to be talking about how to consider whether we need to expand the application of this bill rather than to retract it or put more limits on it because we have worked in a bipartisan fashion to put together a good compromise that is going to be good for our forests and good for the people who live near the forests.

I conclude by also thanking those who worked with us to make this truly a bipartisan effort: The chairmen of the two committees, the Agriculture Committee, Senator COCHRAN, and the Energy Committee, Senator DOMENICI; my colleague from Idaho, who is the chairman of the Forestry Subcommittee on the Energy Committee, and Senator LINCOLN, who is the ranking member on my subcommittee who worked so closely with me to draft the first piece that became the underlying language from which we then built this compromise. She has worked very hard and very effectively to make this all happen; Senator FEINSTEIN and Senator WYDEN, who came in and worked with us, with a true and sincere interest to make this a true and strong bipartisan effort; Senator MCCAIN and Senator KYL from Arizona, who became involved; Senator BAUCUS and Senator BURNS from Montana; and Senator THOMAS from Wyoming—all of whom were very integral in working to help make this a broad, successful, bipartisan effort. I am sure I have left some out.

The reason I go through this is to, once again, reiterate how this is the way people in America want the political process to work. They want us to find common ground and build good commonsense solutions to issues that cross party lines and get to the issue on principle rather than on partisanship or personal attacks. That is what this bill is about.

As I move to table this last amendment, I will announce that we will then be going forward after that with a managers' amendment and to final passage. I think tonight we are going to have a very big victory for America.

Mr. REID. Will the Senator yield?

Mr. CRAPO. Yes, I yield.

Mr. REID. Can we voice-vote the managers' package?

Mr. CRAPO. I believe we could.

I move to table the Harkin amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

I remind Senators, per instructions from both sides of the aisle, this will be a 20-minute vote.

The question is on agreeing to the motion to table amendment No. 2045. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Alabama (Mr. SHELBY) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting the Senator from Massachusetts (Mr. KERRY) would vote ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 427 Leg.]

YEAS—61

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Miller
Baucus	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Feinstein	Pryor
Breaux	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Johnson	Thomas
Cornyn	Kyl	Voinovich
Craig	Landrieu	Warner
Crapo	Lincoln	Wyden
Daschle	Lott	
Dayton	Lugar	

NAYS—31

Akaka	Carper	Graham (FL)
Bayh	Conrad	Harkin
Biden	Corzine	Inouye
Bingaman	Dodd	Jeffords
Boxer	Dorgan	Kennedy
Byrd	Durbin	Lautenberg
Cantwell	Feingold	Leahy

Levin	Reed	Schumer
Mikulski	Reid	Stabenow
Murray	Rockefeller	
Nelson (FL)	Sarbanes	

NOT VOTING—8

Clinton	Kerry	Nelson (NE)
Edwards	Kohl	Shelby
Hollings	Lieberman	

The motion was agreed to.

AMENDMENT NO. 2046

Mr. COCHRAN. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 2046.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. COCHRAN. Mr. President, this is an amendment containing technical changes to the bill and amendments in behalf of the following Senators: Senator COLLINS, Senators CORZINE and SPECTER, Senator CANTWELL, Senator LEAHY, Senators LUGAR and HARKIN, Senator ENSIGN, and Senator ALLARD, all of which have been approved by the managers on both sides.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendments are agreed to.

The amendment (No. 2046) was agreed to.

Mr. CORZINE. Mr. President, I want to take just a few moments of the Senate's time to discuss a provision included in the manager's amendment that will authorize acquisition of open space in the Highlands Forest that runs through New York, Pennsylvania, Connecticut and my state of New Jersey.

First of all, I express my great appreciation to the managers of this bill, Senators COCHRAN and HARKIN, for agreeing to include this amendment. I also recognize and congratulate Congressman RODNEY FRELINGHUYSEN for his success in getting an identical version of this bill passed unanimously by the House Resources Committee yesterday. Congressman FRELINGHUYSEN and I have worked together closely on this matter, and I know he has worked hard for many years on behalf of the Highlands and has played a key role in bringing needed conservation funds to the area.

The amendment included in the managers' package is a modified version of S. 999, the Highlands Stewardship Act, which I introduced earlier this year with Senators LAUTENBERG, SCHUMER, CLINTON, DODD, LIEBERMAN and SPECTER. The goal of this bipartisan legislation is to preserve one of the last open space treasures in our densely populated region, the Appalachian Highlands Forest.

The Highlands region stretches from northwestern Connecticut, across the lower Hudson River valley in New York, through my State of New Jersey and into east-central Pennsylvania. It encompasses more than two million acres of forest, farms, streams, wetlands, lakes and reservoirs. It also includes such historic sites as Morristown National Historic Park, where George Washington had headquarters during the American Revolution, and the United States Military Academy at West Point.

The value of the natural, recreational and scenic resources of the Highlands cannot be overstated. In a study of the New York–New Jersey Highlands region alone, the Forest Service found that 170 million gallons are drawn from the Highlands aquifers daily, providing quality drinking water for over 11 million people. 247 threatened or endangered species live in the New Jersey–New York Highlands region, including the timber rattlesnake, wood turtle, red-shouldered hawk, barred owl, and great blue heron. According to the U.S. Forest Service, over 14 million people visit the NY–NJ Highlands for outdoor recreation, more than Yellowstone National Park and our most heavily visited natural treasures.

But the values and benefits of the Highlands are not limited to the four states that share them. A 1992 study and recent update by the United States Forest Service describes the Highlands as a region of ''national significance''—one that is within 2 hours of travel for 1 in 9 Americans.

Unfortunately, the supply of federal, state, local and private money that has gone to protect the Highlands over the years has not kept pace with development in the area. According to the Forest Service, more than 25,000 acres of forest and farm land in the New York and New Jersey sections of the Highlands have been lost annually to development between 1995 and 2000, and nearly 300,000 acres of land critical to future water supplies remain unprotected.

I represent the most densely populated state in the country. The pressures we face from development are intense. In New Jersey, the Highlands region lies in close proximity to New York City and is valued for housing development. New York, Connecticut and Pennsylvania face similar development pressures. We need to do more to protect this national treasure.

The amendment that I hope the Senate will approve today is modeled after the successful federal-state partnership used to protect much of Sterling Forest, a crown jewel of the Highlands. The legislation would facilitate similar conservation partnerships to protect critical treasures threatened by sprawl throughout the region. The amendment would enable us to build upon the legacy of Sterling Forest, but it will take a strong commitment and partnership between the Highlands states and the Federal Government to safeguard this region.

The amendment calls on the governors of the four states to recommend conservation projects within certain threatened areas identified by the Forest Service. It also would authorize $100 million over the next 10 years for easements or acquisition of land within those areas. As in the preservation of Sterling Forest, the money would come from the Federal side of the Land and Water Conservation Fund.

I would note that the land and water conservation fund generally is not used for open space acquisitions in my state and the other Highlands states. That is because the fund only can support acquisitions to expand existing Federal parks, forests and recreation areas. While this works well for states with a significant amount of federal parks and forests, it does not help states like New Jersey with comparatively less Federal land. This amendment would help to make sure that New Jersey and the other Highlands states get their fair share of open space funding.

The only land to be acquired would be land owned by people who want to sell. This amendment would not force anyone to sell, nor interfere with any other property right. Nor would the amendment interfere with any local zoning ordinance or local government land use plan. Nor would it create any new federal ownership or management responsibilities. Title to the land or easement purchased would belong to the state where it is located.

Finally, the amendment is designed to conserve land that has been identified as having a high conservation value by the Forest Service and which is not currently protected from development under any existing law. This is land that serves as the habitat for animals, or provides a source for water supplies, or that is simply unusual in its natural beauty.

In conclusion, the Highlands are a national treasure, and it is critical that they be preserved. I again thank the managers for their cooperation, and their support of this legislation.

Ms. CANTWELL. Mr. President, I rise today to thank the distinguished chairman and ranking member of the Senate Agriculture Committee, Senators COCHRAN and HARKIN, for including in the managers' package an amendment I filed on the issue of wildland firefighter safety. My heart goes out to my colleagues from California and the people they represent. In Washington, we are well acquainted with catastrophic wildfires and the threat they pose to local communities. Our thoughts are with the people of California, as well as with the families of the firefighters on the job—including crews from my State who are on their way south to join in the effort.

The men and women who fight fires on our public lands serve our Nation bravely. Since 1910, more than 900 wildland firefighters have lost their lives in the line of duty. Before the California fires, I believe the toll was 26 individuals this year alone.

And this morning, we were faced with the news of the first firefighter death

from the California blazes—an 11-year veteran named Steven Rucker, who perished while trying to save a home. He leaves behind a wife and two children.

As I have read the press accounts and listened to the stories my colleagues have told about the loss of life in California over these past few days, I cannot help but recall a recent tragedy in my State of Washington. On July 10, 2001, near Winthrop in Okanogan County, in the midst of the second worst drought in the history of our State, the Thirtymile Fire burned out of control. Four courageous young firefighters were killed. Their names: Tom Craven, 30 years old; Karen FitzPatrick, 18; Jessica Johnson, 19; and Devin Weaver, 21.

Sadly, as subsequent investigations revealed, these young men and women did not have to die. In the words of the Forest Service's own report on the Thirtymile Fire, the tragedy ''could have been prevented.'' We know that firefighting is a dangerous job. But despite its inherent danger, we have a responsibility to ensure that no preventable tragedy like Thirtymile Fire ever happens again.

I would like to thank my colleague Senator BINGAMAN, the distinguished ranking member of the Senate Energy Committee, as well as Senator WYDEN, who was then chair of the Subcommittee on Public Lands and Forests. In the wake of the Thirtymile Fire, they agreed to convene hearings on precisely what went wrong that tragic day. We heard from the grief-stricken families. In particular, the powerful testimony of Ken Weaver—the father of one of the lost firefighters—put into focus precisely what's at stake when we send these men and women into harm's way. I can think of no worse tragedy for a parent than confronting the loss of a child, especially when that loss could have been prevented by better practices on the part of Federal agencies.

At the Senate Energy Committee hearing, we also discussed with experts and the Forest Service itself ways in which we could improve the agency's safety performance. And almost a year to the day after those young people lost their lives, we passed a bill—ensuring an independent review of tragic incidents such as Thirtymile that lead to unnecessary fatalities.

Based on subsequent briefings by the Forest Service, revisions to the agency's training and safety protocols, and even based on what I have heard when I have visited with firefighters over the past two years, I do believe the courage of those families to stand up and demand change has had a positive impact on the safety of the young men and women who today are battling blazes as wildland firefighters. Yet, I believe there is more that Congress can do to express our commitment. Today I offer a modest amendment that will take a few more steps in that direction.

My amendment does three simple things.

First, it will require the Secretaries of Agriculture and Interior to track the funds the agencies expend for firefighter safety and training.

Today, these sums are lumped into the agencies' ''wildfire preparedness'' account. But as I have discussed with various officials in hearings before the Senate Energy and Natural Resources Committee, it is difficult for Congress to play its rightful oversight role—ensuring that these programs are funded in times of wildfire emergency, and measuring the agencies' commitment to these programs over time—without a separate break-down of these monies.

Second, it will require the Secretaries to report to Congress annually on the implementation and effectiveness of its safety and training programs. I assure my colleagues who have not spent time dwelling on this issue, that the maze of policy statements, management directives and curricula changes associated with Federal firefighter training is dizzying and complicated.

The agencies have a responsibility to continually revise their policies in the face of new science and lessons learned on the fire line. Meanwhile, this body has the responsibility to ensure needed reforms are implemented. As such, I believe that Congress and the agencies alike would benefit from an annual check-in on these programs. I would also hope that this would serve as a vehicle for an ongoing and healthy dialogue between the Senate and agencies on these issues.

Third, it would stipulate that Federal contracts with private firefighting crews require training consistent with the training of Federal wildland firefighters. It would also direct those agencies to monitor compliance with this requirement. This is important not just for the private contractor employees' themselves but for the Federal, State and tribal employees who stand shoulder-to-shoulder with them on the fire line.

This is actually quite a complex issue about which many of us are just beginning to learn. With the severity of fire seasons throughout the country over the past 2 years—and notwithstanding the Clinton administration's efforts to hire a significant number of new firefighters as part of the National Fire Plan—the number of private contract crews hired by the agencies to help with fire suppression has tripled since 1998. According to Oregon Department of Forestry estimates, the number of contract crews at work has grown from 88 to 1998 to 300 this year, with 95 percent based in the Pacific Northwest. In general, these contract crews have grown up in former timber communities and provide important jobs, especially given the fact the agencies themselves do not at this juncture have the resources to fight the fires entirely on their own. And many of these contractors have been in operation for a decade or more and boast stellar safety records.

Nevertheless, as the number of—and need for—contractors has grown, there are more and more tales of unscrupulous employers that take advantage of workers and skirt training and safety requirements. This is a growing concern for U.S. Forest Service employees and state officials. This summer, the Seattle Times wrote a detailed feature on the issue, quoting internal Forest Service memos as well as evidence from the field.

Among the contractor practices cited in the article: Breaking safety rules and failing to warn other crews on the fire line; falsifying or forging firefighting credentials and ignoring training requirements; hiring illegal immigrants that cannot understand fire line commands—and committing various labor abuses; and rotating a single crew from fire to fire for 50 straight days—while Federal firefighters are not allowed to work more than 14 or 21 days in a row.

The article quoted from a November 2002 memo written by Joseph Ferguson, a deputy incident commander for the Forest Service: ''If we don't improve the quality and accountability of this program, we are going to kill a bunch of firefighters . . . Although there were two or three good to excellent crews on each fire, that was offset by 20 to 30 that were hardly worth having,'' Ferguson added. ''It was apparent that training for most of these crews had been done poorly or not at all.''

Paul Broyles, who heads a safety committee for the National Interagency Fire Center added that private crews he has seen have varied from ''fantastic to a he[ck] of a lot less than good and some were real safety concerns.'' He noted that while state government and feds were trying to crack down on violations associated with documentation, ''the assumption is, where there's one problem, there's probably more.''

This provision is a modest beginning in addressing the challenges posed by integrating private and Federal contract crews—and doing it in a manner that maximizes everyone's safety on the fire line. I understand that the Federal and State agencies are already attempting to push contractors in this direction, and this provision will bolster that momentum.

I had also hoped to include in this amendment a provision that would direct the General Accounting Office to conduct a study of the impacts of the President's outscourcing initiative on wildland firefighter safety. Unfortunately, that provision was opposed by my colleagues on the other side of the aisle.

Now, let me be clear. I oppose the Bush administration's outsourcing initiative. And if I had my way, I would simply declare that this initiative would not apply to the firefighting agencies. However, at the very least, I hope my colleagues will agree that we should take a close look at how outsourcing will affect the ability of

our Federal agencies to do their job when it comes to fighting wildfires and their ability to do it safely.

According to the Forest Service Council, which represents 20,000 Forest Service employees across the Nation, some 40 percent of these workers serve dual functions.

Likened to the Reserve or National Guard, they call it the ''militia'' approach—where qualified employees that perform other jobs for much of the year are dispatched as ''first responders'' on wildland fires.

From a military perspective in Iraq, we have seen the importance of the National Guard and Reserve in supporting our military efforts. No one here in Congress would contemplate outsourcing the Guard and Reserve.

I hope my colleagues would recognize that it is completely unclear how the outsourcing initiative, with its emphasis on contracting out certain types of jobs, would impact the need for Forest Service employees to perform these collateral duties. I am concerned that the outsourcing initiative will seriously erode the agencies' capacity to fight fires—just as the sponsors of this bill argue these fires are becoming most intense.

Likewise, I have serious concerns that it will disrupt the chain of command on the fire line, especially in instances in which the Forest Service could lose some of its most experienced firefighters as a result of outsourcing. These are my concerns.

While I understand that there were objections on the other side of the aisle to including the GAO study provision—and we have thus removed it from this amendment, to move forward on the other important provisions—I guess we are lucky that such a study does not actually require legislation. I plan to work with a number of my colleagues to request just such a report form the GAO, because I believe it is important we thoroughly understand the way outsourcing would impact Federal agencies' ability to fight fires and fight them safely.

And so I hope my colleagues will support this simple amendment. Ultimately, the safety of our Federal firefighters is a critical component of how well prepared our agencies are to deal with the threat of catastrophic wildfire.

Congress owes it to the families of those brave firefighters we send into harm's way to provide oversight of these safety and training programs.

We owe it to our Federal wildland firefighters, their families and their State partners, and to future wildland firefighters.

My amendment will provide this body with the additional tools it needs to do the job. I thank my colleagues for supporting this amendment.

ADMINISTRATIVE REVIEW PROCESS

Mr. WYDEN. Could the Senator from Mississippi confirm that with respect to section 105(c)(3), it would be the Agriculture Committee's intent that if the agency fails or is unable to make information timely available during the administrative review process, the court should evaluate whether the administrative review process was inadequate for claims or issues to which the information is material?

Mr. COCHRAN. The Senator's understanding is correct.

Mr. FEINGOLD. Mr. President, I intend to support H.R. 1904, as amended by the Senate. I do so, however, with significant reservations about the bill, and its benefits for Wisconsin, and I want to describe my concerns in detail. Forest fire management is a critical issue for my home State of Wisconsin and for the country. Forest fires burned on approximately 7 million acres across 15 States during last year's fire season, the second worst in 50 years. Fighting those fires cost taxpayers about $1.6 billion. It also cost 23 firefighters their lives. This year's fire season is expected to be as bad as last year's. And though Wisconsin has escaped the season unharmed, my State did face a higher than normal risk of fire this summer due to the relatively dry weather we had the year before.

Moreover, forests are important to Wisconsin economically. Our businesses depend on them as do our recreation and tourism industries. The primary and secondary wood products industry is the second largest employer in Wisconsin and, according to the Wisconsin Division of Forestry, my State leads the Nation in 2002 in the production of fine papers, sanitary paper products, children's furniture, and millwork. Forest resources in Wisconsin are a primary tourism attraction for both residents and visitors.

Given the role and importance of forests in Wisconsin, I wish that the bill focused more on the forests of the Upper Midwest. I am particularly concerned that the bill passed by the House focuses too strongly on the implementation of recommendations made by the Western Governors regarding forest health.

It is worth noting that the Senate has considered these kinds of emergency legislative measures to address forest health in the recent past. As many will recall, an emergency timber salvage rider was attached to and signed into law by President Clinton as part of the 1995 rescissions bill, legislation supposedly designed to reduce Federal expenditures. The salvage rider was extremely controversial, and my constituents were very concerned about its implementation in terms of its fiscal cost, the loss of critical wildlife habitat and endangered species, and the precedent that it set for lawmaking and the separation of powers in this country. The salvage rider suspended the Endangered Species Act, the National Environmental Policy Act, the National Forest Management Act, and ''all other applicable Federal environmental and natural resource laws,'' such as the Clean Water Act.

I opposed the rider because it was too restrictive in scope. The public was blocked from the legal process through which decisions affecting their national forests are made. All sales under the salvage rider were exempt from the administrative appeal process, and judicial review was severely limited to sales deemed ''arbitrary and capricious.''

So I think it is wise to be careful in crafting this legislation, lest we risk taking too extreme a step in our efforts to address forest health. I agree that the Congress should enact legislation to protect our Nation's forests from catastrophic wildlife and disease. Overall, I think that the substitute offered for title I of the bill by Senators COCHRAN, FEINSTEIN, WYDEN, DASCHLE and others, is an improvement over the underlying bill. I have also supported a number of amendments to try to narrow the bill's scope and improve its provisions. It is my hope that the conferees will adhere to the provisions approved by the Senate when they develop a final bill.

Mr. JOHNSON. Mr. President, today the Senate is considering legislation that will go a long way toward reducing the fire risk to communities throughout the western United States. The Senate is set to pass bipartisan legislation that authorizes federal land managers to treat up to 20 million acres of at-risk public lands while empowering communities with the resources and tools to protect lives and property.

The catastrophic fires in California are only the most recent demonstration of how the Forest Service, state and local communities, and private landowners must actively manage the Nation's forestlands. In South Dakota, fires have endangered the communities of Deadwood and Keystone in recent years, burning nearly one out of every 10 acres of the Black Hills National Forest. I am very supportive of the bipartisan response of the U.S. Senate toward passing aggressive forest legislation.

During the last 2 years, the Congress has debated and discussed the need to actively manage our forestlands, with particular emphasis toward protecting the wildland-urban interface, home to millions of individuals and hundreds of communities. The Black Hills is a stark example of interface and intermix communities, with a patchwork of private landowners scattered through the 1.3 million acre forest. Public land managers and communities need the tools and resources to reduce fire risk, restore forest ecosystems to a more natural balance and protect a vitally important renewable resource. It is overdue—overdue to end the debate and pass legislation.

I believe that the agreement crafted today will address many of the challenges facing public forestlands. There has been a great deal of debate from those on both sides of the spectrum as to the shortcomings and compromises made to craft the Senate bill. I agree that the bill is not perfect, but in

crafting the compromise agreement, the Senate has put forward a bipartisan proposal that will enhance the long-term health and sustainability of forestlands.

The Senate plan authorizes fuel reduction projects on up to twenty million acres of National Forest System lands and enhances local participation. In the plan, communities can develop ''community wildfire protection plans'' to identify areas for hazardous fuel reduction and other treatments necessary to protect the community from wildfire. The collaborative process established in the Senate bill will identify and prioritize fuel treatments and recommend the types and methods of projects on federal and non-federal lands. This provision is a key feature that empowers local communities to craft the proper response to the threat of wildland fire specific to their local areas.

The plan put forward today will allow the Forest Service to focus on its core mission of managing our forest for multiple uses and ease the crush of bureaucratic and administrative appeals. This fall during a tour of the Black Hills, I witnessed the progress made from recent fuel reduction projects thinning insect ravaged trees, and believe more should be done to reduce fire risk throughout the West. I will vote for the Senate compromise because it will finally replace endless talk with constructive action. I encourage the House of Representatives to join the administration in supporting the Senate bill and quickly passing this important and historic plan.

Mr. ENZI. Mr. President, we have all heard the expression many times—''A picture is worth a thousand words.'' If that is so, I don't think there is any question that the pictures of the wildfires in California are speaking volumes and they have had a dramatic impact on all of the us in the Congress and around the country .The fires continue to burn out West, and the toll continues to mount. The amount of forest land up in flames, the homes destroyed, the lives lost and the people forever changed by what they have experienced will never be known. One thing that is very clear, however, is the importance of taking every possible step to ensure that we minimize this kind of frightening destruction in the future.

It is bad enough that we have had to witness the devastation in California—and I would be remiss if I didn't take a moment to express our appreciation and our gratitude to the brave people who are fighting the fires there without regard for their own safety. They are true American heroes, and we will be keeping them in our prayers.

Take that feeling that comes from seeing all that destruction and despair in California and imagine that you were seeing the reality of a threat that faces you every day of your life. Imagine you wake up every day filled with the fear of knowing that your home, your job, your family, your heritage, and your community could be wiped out in a heartbeat. Imagine the commitment you would have to protecting your family and your cherished possessions, only to be told that you can't do much about it because somebody, far away, whose home is not facing the same kind of threat has decided you aren't worth the effort.

You might think I am exaggerating the problem, but the fact is there are more than 100 million acres of Federal forests lands that now exist under an unnaturally high risk of catastrophic wildfires and large scale insect and disease outbreaks because of unhealthy forest conditions.

For years now, we have been trying everything we can to reduce the risk and make our forests safer and more fire resilient. Every time we have tried, we have had the same response: more environmental reviews, more litigation, and more trees that increase instead of reduce the threat to the land around them.

We now have the images to confirm that our concerns were not fairy tales. We were not just speaking as alarmists, but as people faced with a very real threat.

This situation is particularly acute in western forests where more than 60 years of aggressive fire suppression programs have removed fire as a mitigating factor in maintaining forest health. As a result of these well-meaning efforts, many of our forests suffer from an unnatural accumulation of vegetation on the forest floors. Dense undergrowth, combined with increasingly taller layers of intermediate vegetation have turned western forests into deadly time bombs.

Unlike healthy fires of the past that thinned out the underbrush and left the large trees to grow larger, modern wildfires quickly climb the dense vegetation like a ladder until they top out at the uppermost, or crown, level of the forest and race out of control as catastrophic fires. Because of their high speed and intense heat, these ''crown fires'' leave an almost sterile environment in their wake. After a crown fire, nothing is left behind; no trees, no wildlife, and no habitat to speak of—with few microorganisms left to rebuild the soil.

Vegetation manipulation, including timber harvest, is therefore necessary to restore our forests, particularly in the West, to conditions that are more resistant to catastrophic disturbances and that are within acceptable ranges of variability. Scientific studies, including the Sierra Nevada Ecosystem Project, SNEP, report, state that timber harvest is a tool that can be used to enhance overall forest resilience to disturbance. The SNEP report states, for example, that ''logging can serve as a tool to help reduce fire hazard when slash is treated and treatments are maintained.'' If conducted on a large enough scale and in a controlled manner, timber harvests can restore our national forests to a point where fire can be returned as a healthy part of the environment.

However, any proposal that prohibits all forms of commercial timber harvest, regardless of the objective, indiscriminately removes an efficient and valuable tool from land managers for restoring forest conditions to a more resilient and sustainable state.

I am tired of sawmills and timber harvesting being seen as ogres. I had a brainstorming session with employees of Wyoming Sawmills and talked about healthy forests. I found them all to be concerned people who can increase the amount of expertise that is used in forest management and can do it in a way that helps our forest managers save money. These employees showed me what can be done with scrub trees in making innovative composite construction housing materials. I am talking about using small trees and stems that were once considered junk trees and were stacked in the forests and burned.

Using the innovative approach developed by Wyoming Sawmills employees is good stewardship. It would be wrong to accuse them of wanting to clear cut the forests. They know what healthy thinning is, and they know what a forest should look like. They know that their livelihood relies on good practices.

So far we have been lucky in that some of our most dangerous areas in Wyoming have not yet caught fire. One area I am particularly concerned about is just east of Cody on Wyoming's Shoshone National Forest. It lies just next to Yellowstone National Park. It provides crucial habitat to wolves, grizzlies, whooping cranes, elk, bison, mule deer and other animals that spend part of their lives in Yellowstone National Park. The area is also home to a very severe pine beetle infestation that threatens to ignite and cause extreme damage to the park, the forest and surrounding communities.

Other areas in Wyoming have not been as fortunate. I heard a report just a few weeks ago that a number of significant Native American archeological sites no longer exist in Wyoming's Wind River Mountains. When a fire swept through them earlier this year, it didn't just destroy habitat, but it also took some of the last remaining examples of wikiups and wooden sheep traps that were built by Wyoming's Sheepeater Indians. Their handiwork that reflected their place in our history is now gone and only exists in a few pictures that were fortunately taken before the fires swept it all away.

For me, this is an issue that has its roots back in the days when I was a Boy Scout. At the time, I was working on one of the requirements for the rank of First Class that had to be reached if I were to earn my Eagle Scout Award. To be successful, I had to start a campfire with no more than two matches. I got to be very good at starting campfires and was well known for winning

water boiling contests at scout camporees. There are a number of tricks people develop in starting campfires, and I had my own system that helped me win, but no matter who you are or what your trick might be, there are three basic elements to every fire: oxygen, fuel, and heat.

Oxygen comes from the air and is readily available. Fuel is found in the wood, particularly dry wood that burns easily when enough heat is applied. Heat comes from a spark, a match, or possibly just friction. The best way to apply enough heat to start a successful campfire is to properly organize the wood in a way that allows the flames to climb up from the bottom of the firepit where you put the smaller, quick-burning sticks and tinder—to the larger, longer burning logs in much the same way as someone would climb a ladder, one rung at a time.

To start a successful fire, I began by carefully putting my wood shavings at the bottom of the fire—this would be my light tinder or first rung of the fire ladder. I then built a small tee-pee of sticks over my tinder as my second rung, and then added larger and larger sticks until I had my largest pieces of wood on top where they could draw the heat from the flames of the intermediate sticks below them. If I did everything correctly, I could start my fire and get a can of water to boil before anyone else did.

You might wonder what this little story of mine has to do with the current state of our national forests.

If we were to head out into the forest right now, and we took a good look around at the density of the ground all around us, we would see that they are laid out just like the campfires I was trained to build and start when I was a Boy Scout. At the bottom of every forest lies a collection of small, dried-out bushes, leaves and fallen bark. Over this pile of tinder is the next rung of the forest fuels ladder which is made up of small to intermediate trees. These intermediate trees are then crowded in below the larger and older trees that make up the top rung or crown of the forest fuels ladder.

This problem wasn't always as bad as it is now. There was a time when Mother Nature and the Native Americans took care of thinning our forests by regularly starting wildfires. Because the fuel loads weren't allowed to grow as dense as they are today, the fuel ladder didn't reach all the way up to the big trees. Fires would burn up the tinder and thin out the intermediate and dead and dying trees. This promoted biodiversity, kept the intensity of the forests down and, in times of drought the competition for limited water resources was dramatically less than it is today. We now have forests that historically have had 40 or 50 tree stems per acre that are now over 200 stems per acre. This is a 300-percent increase. We aren't able to use widespread fire anymore because of the danger it presents to homes, as you are seeing right now in California.

When a fire starts in forests this dense, it quickly climbs the fuel ladder and races out of control. These crown fires are all but impossible to stop. The heat generated from all rungs burning at once sterilizes the soil and leaves nothing but desolation in its wake. This is only made worse with the added factor of drought. By adding to the mix stands of dead trees that are as dry and volatile as the tinder on the forest floor you can just imagine the threat this kind of fire could have on the forests and their surrounding communities.

It is a much better conservation practice, therefore, to step in and duplicate the effect historic, healthy fires had on our forests by using what is called mechanical thinning. This is a practice where our land management agencies can hire experienced timber companies to remove the dense underbrush and carry out the smaller and intermediate trees, thereby leaving a forest that is healthier, more biodiverse, more fire resilient and with a better mix of older and younger trees.

The alternative is to allow Mother Nature to step in and conduct one of her catastrophic clear cuts, and when Mother Nature does a clear cut, she doesn't respect riparian zones or raptor nesting sites, or homes.

Clearly that is a scenario we must make every effort to prevent.

As we do, just imagine how you would feel if you were here today while your family was back home, living in a house that stood in the shadow of one of those forests that is ready to explode in a blaze of flames.

Unfortunately, you don't have to imagine what that would be like anymore. We have seen what it would be like in the pictures of the fires that continue to threaten southern California.

What we have to do now is work toward a goal we should all support—ensuring no one else has to face another wildfire blazing out of control through their homes and neighborhoods because of a policy we could have but did not change.

Mr. BURNS. Mr. President, I want to speak today about the need to pass the Senate's bipartisan amendment to H.R. 1904, the Healthy Forests Restoration Act.

Today there are over 190 million acres of forests at risk of devastating wildfire. The situation is the result of the general degradation of the health of our forests. This degradation is the direct result of past poor management practices, which have resulted in our forests being more susceptible to disease, insect infestation, and hazardous fuels accumulation. These conditions have resulted in at least 10 years of devastating wildfires and the reality that if we don't do something to address these conditions we will see decades of these devastating fires.

The decision we must be willing to make is to change the direction of management, because from where I am sitting, the current method is just not working, and it has not for the last 30 years.

Most people don't realize how much money we spend every year on litigation. Last year alone, taxpayers spent $21 million just on Forest Service litigation. And that doesn't count all the paperwork and time spent on trying to make every project litigation-proof. We know this process is stuck, and it's inefficient, and we're spending a lot of money foolishly, when we could instead be spending it on the ground improving the health of our forests.

Add to that the dollars we spend on fighting fires every year, which can easily reach into the billions. The costs associated with the suppression of these wildfires reaches into the millions per fire, and the billions annually—the cost is high partly because we have allowed the health of the forests to deteriorate to such poor condition. However, the cost of fire suppression is not the only cost associated with disease, insects, and wildfires. There are equally high costs associated with the loss and damage of wildlife and fishery habitat, clean air, and problems associated with the silting of rivers and streams, loss of critical infrastructure, and the loss of tourism.

We must not let the debate over forest health degrade into a political debate of cutting timber. There are people who simply have an objection to cutting down trees, but I wonder why it's all right to burn them down?

The Forest Service timber sale program is the smallest it has been since the 1940's. We are losing more trees, wildlife habitat, and critical healthy watersheds to fire, disease, and insects than we impact through timber sales. Yet, we continue to stand by and do nothing to stop the destruction.

The environmental community can no longer appeal and litigate every project designed to remove hazardous fuels, treat disease, and eradicate insects under the guise of protecting the habitat of fish and wildlife; yet turn a blind eye on the damage that insects, disease, and fire are doing to these same habitats.

We must provide the Federal land managers with the tools needed to address the extreme conditions of our national forests. We must address the issues associated with delays as a result of appeals and litigation.

We have before us a bill that reflects a bipartisan effort to finally provide the land managers with the necessary tools. It reflects a bipartisan effort to streamline the NEPA process, expedite judicial action, treat the wildland-urban interface along with other high risk areas, and address the urgent need to combat the spread of insects and disease in our forests nationwide.

It is time for this body to set aside partisan politics and stand up to the public's expectation that we act responsibly and quickly pass this legislation. We ought not to disappoint the

public and we ought not to be responsible for continuing to put our national forests at increasing risk.

Mrs. BOXER. Mr. President, this week, as the California wildfires continue to rage, scorching more than 720,000 acres of land, destroying more than 2,600 homes, and taking the lives of at least 20 people, we have learned the costs of not taking the proper steps to protect our vulnerable communities and forests.

Last April, I wrote to the President and asked him to declare three of our southern counties disasters areas due to bark beetle infestation. There were 12 of us from both parties who asked for fuels reduction to ease our dangerous situation. Unfortunately, that disaster designation did not happen.

In July, I introduced a bill with Senator LEAHY, the Forestry and Community Assistance Act, that would have helped protect our forest and communities from wildfires. The bill would have authorized funding for wildfire prevention projects including thinning, cutting of dense underbrush, and prescribed burning.

The Leahy-Boxer bill would have authorized $1.25 billion for wildfire prevention projects on National Forest System lands, $1.25 billion for projects on Bureau of Land Management lands, and $2.5 billion for projects on tribal, private and State lands. The bill would have required that 85 percent of the funds be given to wildfire prevention projects within one-half mile of communities that are at risk for wildfire, and projects that are necessary to protect a municipal water supply system.

That is the bill I wish we were passing today. We are passing a bill that is far weaker, but it is better than the House bill.

It explicitly authorizes projects that protect at-risk communities, watersheds, and lands with insect infestation.

The bill also provides that 50 percent of the funds authorized for wildfire prevention projects be used toward at-risk communities. Unfortunately, my amendment to increase this percentage to 70 percent failed.

Of particular significance to California, the bill directs the Department of Agriculture to conduct a program encouraging systematic information gathering on insect pests that have caused large-scale damage to forests, including the bark beetle.

Also, I am pleased that the Senate passed my amendment requiring the National Institute for Occupational Safety and Health, NIOSH, to monitor the long-term health conditions of firefighters who fought in my area declared a Federal disaster.

I am also pleased the Senate passed my amendment requiring that the Environmental Protection Agency, EPA, monitor the emission of hazardous pollutants in the air in disaster areas. The provision requires that the EPA accomplish this by providing each of its regional offices with a mobile air pollution monitoring network, and publish its findings on EPA's website daily until the danger has subsided.

This bill could have been made better if we had passed several amendments that I supported. These included: a Bingaman amendment to allow the Forest Service to borrow funds from the General Treasury for firefighting once its funds have been expended. Currently, once the Forest service depletes its funds, it must borrow from other accounts within the Forest Service's budget to pay for firefighting; the Murray amendment to ensure old growth trees on all lands are protected; the Cantwell amendment to require that in undertaking efforts to prevent wildfires, all possible alternatives be considered; and the Harkin amendment to sunset the legislation after 5 years, allowing Congress to review how well the program is doing.

Despite the fact that I wanted a stronger bill, I have decided to support the bill before us, because, while not perfect, it will help make our communities safer.

Mr. BAUCUS. Mr. President, Senator MCCAIN and I intended to offer an amendment to H.R. 1904 to establish a permanent revolving fund to address the annual problem of funding emergency fire suppression needs—a problem that essentially robs funds from the very fuel reduction projects H.R. 1904 is designed to promote.

When I was in Montana this summer, I visited with some of the firefighting teams near Glacier National Park. It was absolutely amazing to see the organization and coordination that goes into fighting these fires. We had folks from Federal, State, and local agencies and local volunteer fire departments; local loggers; teams from Australia and New Zealand; and private contractors all working together to protect lives and property.

I can't tell you how impressed and overwhelmed I was by the dedication and professionalism of the firefighters on the ground. These first-rate men and women earned the deep respect and gratitude of the residents of many Montana cities and towns, particularly in West Glacier. I know that my colleagues saw much the same thing in their states, and we are all seeing it now in California.

But, this extraordinary and superior fire-fighting effort costs money—$305 million spent in Montana alone this year to fight the fires that blanketed my state. And as is too often the case, the Forest Service and Bureau of Land Management were once again strapped for fire suppression funds during extreme fire conditions. They had to borrow from other program funds to get the job done in Montana and other states this summer.

The Forest Service and Department of Interior borrowed $860 million last fiscal year to pay fire suppression costs. While recent supplemental funding for the agencies will repay some of these accounts, the agencies will still be short $170 million. Some Forest Service accounts will not be repaid, including accounts to rehabilitate burned areas. This is enormously counterproductive. And, it wastes scarce federal resources. This state of affairs cannot continue.

We have to be smarter about managing this situation in the future. Since we can't accurately predict wildfire suppression needs each year when we provide for appropriations, we need a special funding strategy to account for extreme fire years. The alternative is extreme disruption to Forest Service and Interior budgets and day-to-day responsibilities, important work deferred or canceled, and jobs lost.

Senator MCCAIN and I believe we have a responsible solution that is a fair, reasoned, and balanced approach to the problem. It's time we all faced up to our responsibilities to provide adequate and stable funding to the Forest Service and Interior for fire suppression efforts, while ensuring minimal disruption to their current programs and projects and encouraging these agencies to keep their costs under control.

However, Senator MCCAIN and I will not offer our amendment because Senator CRAIG and others have agreed to work with us, and with Senator BINGAMAN, to find a solution to this problem as soon as possible. I would like to see H.R. 1904 pass quickly, and I have no interest in delay. I appreciate Senator CRAIG's recognition of the problem and commitment to address it.

Mr. MCCAIN. I commend Senator BINGAMAN for his thorough analysis of the budgetary impediments to effective federal action to protect communities and our public forest lands from catastrophic wildfire. I am in agreement with many of the points that he makes because of what I have learned from numerous people in Arizona who have extensive hands-on experience with forest management and wildfire issues.

With the compromise reached on Title I of 1904, we struggled to find common ground in our understanding of the nature of the problem in each of our states. However, the budget issues and inadequacy of funding that Senator BINGAMAN has discussed has not been addressed in this legislation. The practice of borrowing program funds to fight wildfires will continue to undermine our efforts to increase protection of communities in the wildland-urban interface and enhance forest health on at-risk public lands.

Everyone involved in these endeavors at the federal, state, and local levels agrees that bankrupting essential program activities until they can be replenished at a later time with a supplemental is self-defeating. There is no disagreement on this score, it's simply a matter of putting the right funding mechanism in place to accomplish the objective of preserving the integrity of the forest land management agencies' programs.

It is my understanding that Senator CRAIG and Senator BINGAMAN have

come to an agreement that the Senate Energy and Natural Resources Committee will carefully consider this issue early next year. I look forward to following these proceedings to develop effective measures to ensure that the federal agencies have adequate resources to maintain essential program activities as well as fighting wildfires that occur with increasing frequency. I thank my colleagues for their commitment to addressing this widely recognized budgeting problem to allow our mutual community protection and forest restoration objectives to be achieved.

Mr. CRAIG. As I told Senator BINGAMAN, I agree that this is a serious issue and I have been working hard on resolving the problem myself. I appreciate the concerns of Senator BAUCUS and MCCAIN and thank them for not offering their amendment. This issue will be my top priority once we finish the healthy forests bill. I pledge to work with Senator BAUCUS, Senator MCCAIN and the Chairmen and Ranking Members of all the relevant committees to find a workable solution.

Mr. BURNS. I join my colleagues in noting the magnitude and urgency of this issue. As chairman of the Interior Appropriations Subcommittee, which funds wildland firefighting, I know firsthand how disruptive this borrowing cycle can be on federal agencies. Public lands states like my home State of Montana are at risk for both ends of the fire disaster when accounts are not repaid quickly. As we work toward a solution, I believe it is important that we work with the Administration and the relevant Congressional Committees such as the Budget Committee. We should also address the very real concern that firefighting costs continue to escalate year after year. Congress needs to better understand why costs per acre continue to rise and how we can reverse that cycle. Efforts by the Wildland Fire Leadership Council and their current review of firefighting costs can help us with this challenge and we can use their knowledge as a foundation for our future policy decisions.

Mr. DORGAN. Mr. President, I agree with the chairman of the Interior appropriations subcommittee, Senator BURNS, that this yearly problem of borrowing and paying back must be addressed. Those discussions need to include the relevant authorizing committees, the Budget Committee, and, of sources, the Appropriations Committee. As the Ranking Member of the Interior subcommittee, I would be pleased to work with my colleagues any way that I can.

Mr. BAUCUS. I thank all of my colleagues for their commitment to this issue.

Mr. COCHRAN. Mr. President, I thank all Senators who worked hard to put this bill together. They have all been mentioned by each other a number of times. I am grateful for everybody's contribution to this effort. It has truly been a joint effort on both sides of the aisle, across committee lines, across regional lines, and for that I am very grateful. I think we can all be proud of the work the Senate has done this evening.

I also have to mention the work of our staff members. Our great staff includes Hunt Shipman, who is staff director in the Agriculture Committee, and the following staff members who worked hard on this project: Lance Kotschwar, West Higginbotham, Doug MacCleery, Graham Harper, Dave Johnson, as well as the staff of the Senate Energy Committee under the chairmanship of Senator DOMENICI.

I hope all Senators will support the final passage of the bill.

I ask for third reading of the bill.

The PRESIDING OFFICER. The question is agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

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

The bill was read the third time.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Alabama (Mr. SHELBY) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 14, as follows:

[Rollcall Vote No. 428 Leg.]

YEAS—80

Akaka	Bunning	Corzine
Alexander	Burns	Craig
Allard	Byrd	Crapo
Allen	Campbell	Daschle
Baucus	Chafee	Dayton
Bennett	Chambliss	DeWine
Bingaman	Cochran	Dole
Bond	Coleman	Domenici
Boxer	Collins	Dorgan
Breaux	Conrad	Ensign
Brownback	Cornyn	Enzi
Feingold	Landrieu	Roberts
Feinstein	Lautenberg	Santorum
Fitzgerald	Levin	Sarbanes
Frist	Lincoln	Sessions
Graham (FL)	Lott	Smith
Graham (SC)	Lugar	Snowe
Grassley	McCain	Specter
Gregg	McConnell	Stabenow
Hagel	Mikulski	Stevens
Hatch	Miller	Sununu
Hutchison	Murkowski	Talent
Inhofe	Murray	Thomas
Inouye	Nelson (FL)	Voinovich
Johnson	Nickles	Warner
Kohl	Pryor	Wyden
Kyl	Reid	

NAYS—14

Bayh	Dodd	Leahy
Biden	Durbin	Reed
Cantwell	Harkin	Rockefeller
Carper	Jeffords	Schumer
Clinton	Kennedy	

NOT VOTING—6

Edwards	Kerry	Nelson (NE)
Hollings	Lieberman	Shelby

The bill (H.R. 1904), as amended, was passed.

The bill will be printed in a future edition of the RECORD.

Mr. COCHRAN. I move to reconsider the vote by which the bill was passed.

Mr. CRAPO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the amendment to the title is agreed to.

The title was amended so as to read:

An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

Mr. MCCONNELL. Madam President, I move to reconsider.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

McConnell amendment No. 1970, to express the sense of the Senate on Burma.

Feinstein amendment No. 1977, to clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1966

Mr. MCCONNELL. Mr. President, I ask for the regular order with respect to the DeWine amendment.

The PRESIDING OFFICER. The regular order has been called for, and the DeWine amendment is once again the pending question.

Is there further debate on the amendment?

The Senator from Ohio.

Mr. DEWINE. Mr. President, Members of the Senate, there are very few times when we have the opportunity to come to the floor when we know that the vote we will cast will save hundreds of thousands of lives.

The amendment we have before us will do that. I am very pleased that we have reached an agreement on the amendment that Senator DURBIN and I have offered to provide an additional $289 million for the fight against global AIDS, malaria, and tuberculosis.

Mr. President, this money will clearly save lives. Adopting this amendment is the right thing to do, and I want to thank so many of my colleagues for their support and their own efforts to fight the global AIDS epidemic.

First, I thank my colleague from Illinois, and the cosponsor of this amendment, Senator DURBIN. Senator DURBIN and I have traveled to Haiti. I have had the opportunity to watch Senator DURBIN hold children who have HIV who are very sick. I have seen how compassionate he is, how much he cares.

This is the third time Senator DURBIN and I have come to the floor and offered amendments to add additional funds to this fight against AIDS. I thank my colleague for his great work.

I thank my colleague, the majority leader, Senator BILL FRIST. No one knows more about this problem. No one has done more about this problem. Many of us had the opportunity, this past August, to go on a trip with Senator FRIST to Africa. It was an educational trip for all of us.

BILL FRIST is a teacher. He is a doctor. He is a leader. He has done a great deal, and I salute him for his great work.

I also thank Senator RICK SANTORUM, who is a compassionate individual and who is passionate about this cause. It was RICK SANTORUM who first began working with the leadership and who first suggested, frankly, the formula that is in front of us today; he came up with these numbers. I salute him for his work.

I thank Senator MITCH MCCONNELL and Senator LEAHY for bringing a very good bill to the floor. This bill will do a tremendous amount of good around the world.

It truly is an instrument of our foreign policy and also provides the resources to help save many, many lives around the world.

Finally, let me thank Senator TED STEVENS for his leadership in this area. We would not be on the floor tonight with this matter worked out without TED STEVENS' work. Let me say, for the Members of the Senate who do not already know this, this is not the first time that TED STEVENS has come forward and provided the necessary money to deal with the AIDS problem. This is, to my knowledge at least, the third time that I am personally aware of that Senator STEVENS has done so. TED STEVENS is someone who is compassionate and who cares. I salute him and thank him.

I thank my colleagues for bringing us to this point. It is significant that today in Columbus, OH, the President of the United States at noon today spoke very eloquently about this problem. He has taken the lead in our efforts to deal with really one of the greatest tragedies of our era. He, once again, spoke about the problem of AIDS. More importantly, he spoke about our obligation and our duty. This is what he said in Ohio today:

> We have duties in this world. When we see disease and starvation and hopeless poverty, America will not turn away. This great, mighty nation is leading the world in confronting a terrible disease on the continent of Africa. This nation is bringing the healing power of medicine to millions of men and women and children now suffering with AIDS. This great land is leading the world in this incredibly important work of human rescue.

I salute President George Bush for his vision and his leadership in this area.

I conclude by thanking everyone for their good work. This is the right thing to do. This will save lives. We will never know the people whose lives this amendment will save. We will not meet them. We will not see them. But we can rest assured, there will be many, many lives saved by what we do tonight.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Ms. SNOWE. Mr. President, I rise today to support the pending amendment by Senator DEWINE to add an additional $289 million to our efforts to combat HIV/AIDS. I am pleased to be able to support this amendment because of the agreement reached to offset this critical spending need within the existing budget.

This funding could not come at a more crucial time, as the continent of Africa faces a most severe crisis. I agree with the President that ''in the face of preventable death and suffering, we have a moral duty to act.'' The United States is beginning to do its part in the battle against HIV/AIDS. In this bill alone, we are providing nearly $1.4 billion for the President's new HIV/AIDS, tuberculosis, and malaria initiative, $250 million of which is available for a contribution to the global fund. The bill also provides $150 million for the President's International Mother and Child HIV Prevention Initiative and $700 million for the Global AIDS Initiative. With this amendment, we will be committing over $2.2 billion toward the global fight against AIDS.

Just 2 short years ago, the Global Fund to Fight AIDS, Tuberculosis, and Malaria was simply an idea that was endorsed by President Bush and U.N. Secretary General Annan. As we stand here today, it has become a reality. President Bush pledged the founding $200 million for the global fund, and our pledge has since risen to $1.6 billion out of the total of $4.7 billion in pledges made to date worldwide. The United States has already provided $623 million to the global fund, more than one-third of total contributions to date. While I am proud of our commitment, I am also disturbed by the lack of commitment from other nations. This is not just a U.S. issue, it is a global issue, and it requires a global response.

U.N. Secretary General Kofi Annan told the Security Council that:

> by overwhelming the continent's [Africa's] health and social services, by creating millions of orphans, and by decimating health workers and teachers, AIDS is causing social and economic crises which in turn threaten political stability . . . in already unstable societies, this cocktail of disasters is a sure recipe for more conflict. And conflict, in turn, provides fertile ground for further infections.

The world recognizes that this has become more than a disease facing the people of Africa, it has become a threat to national security and regional stability. This is a serious epidemic in Africa, capable of toppling foreign governments, touching off ethnic wars and undoing decades of work in developing free-market democracies abroad. In addition, as the U.S. becomes more and more involved in the fight against AIDS, it must also recognize that the methods of contraction need to be addressed on a broader level. Our leadership on AIDS needs to be matched by our efforts on education, gender discrimination, economic development, and conflict resolution.

These are all reasons why I have supported providing the countries of sub-Saharan Africa with the means to provide its people with education, prevention techniques, and health care. In May, I was proud to support passage of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

This comprehensive program has the potential over the next decade to provide life-extending drugs to at least 2 million infected people, give human care to 10 million HIV sufferers and AIDS orphans, and prevent 7 million new HIV infections. The overwhelming bipartisan support for that legislation demonstrates the priority of this need, and with this amendment we take an important step toward meeting the U.S. commitment under that bill. The millions of people in sub-Saharan Africa and around the globe affected by AIDS deserve no less.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 1966.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON), is attending a family funeral.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 1, as follows:

[Rollcall Vote No. 429 Leg.]

YEAS—89

Akaka	Dayton	Lugar
Alexander	DeWine	McCain
Allard	Dodd	McConnell
Allen	Dole	Mikulski
Baucus	Dorgan	Miller
Bayh	Durbin	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nickles
Bond	Feinstein	Pryor
Boxer	Fitzgerald	Reed
Breaux	Frist	Reid
Brownback	Graham (FL)	Roberts
Bunning	Graham (SC)	Rockefeller
Burns	Grassley	Santorum
Byrd	Gregg	Sarbanes
Campbell	Hagel	Schumer
Cantwell	Harkin	Sessions
Chafee	Hatch	Smith
Chambliss	Inhofe	Snowe
Clinton	Inouye	Specter
Cochran	Johnson	Stabenow
Coleman	Kennedy	Stevens
Collins	Kohl	Sununu
Conrad	Kyl	Talent
Cornyn	Landrieu	Thomas
Corzine	Lautenberg	Voinovich
Craig	Leahy	Warner
Crapo	Levin	Wyden
Daschle	Lincoln	

NAYS—1

Hutchison

NOT VOTING—10

Carper	Jeffords	Nelson (NE)
Domenici	Kerry	Shelby
Edwards	Lieberman	
Hollings	Lott	

The amendment (No. 1966) was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2047

Mr. DURBIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DASCHLE, Mr. CORZINE, Mr. BINGAMAN, and Ms. STABENOW, proposes an amendment numbered 2047.

Mr. DURBIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase assistance to combat HIV/AIDS)

At the appropriate place, insert the following:

SEC. ____. For an additional amount for the Global AIDS Initiative, $589,700,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

Mr. DURBIN. Madam President, first, I commend Senator DEWINE of Ohio. He is an extraordinary person and an extraordinary colleague. It has been my good fortune to work with him on an amendment relative to this issue of global AIDS. Senator DEWINE, by my rough calculation between us, I think we may have added up to $400 million to the fight on global AIDS just with the passage of the last amendment and the two previous efforts, and I commend him. He has worked ceaselessly to get this done, and he has done so well. I was happy to add my name to his effort. He did all the work. He deserves all the credit.

I ask my colleagues now to consider this amendment. For every dollar the last amendment will use to save a life in the war against AIDS, malaria, and tuberculosis, this amendment will provide $2. For every life that can be saved with Senator DEWINE's amendment, this amendment, if passed, will add two more lives that will be saved.

I will tell my colleagues what we do. What we take is the President's promise of $15 billion over 5 years, which comes out obviously to $3 billion per year, and make that our goal in terms of this appropriations bill.

That means adding, to the amount that we just passed, some $589 million. That will bring us to the $3 billion figure that was promised by the President, that was endorsed by the Senate, and, frankly, we will keep our word and our promise to the world. More important, this money is needed, and it is needed desperately right now.

Some have argued that there are a lot of sick people in this world but they can't absorb all this money, these hundreds of millions of dollars that have been sent their way. I urge those who make that statement to consider the following.

CARE is one of the finest charities in the world. My family supports it and many of us do as individuals. Peter Bell, who is the head of CARE, sent a letter to President Bush just a few weeks ago. This is what he said about the need for full funding to $3 billion:

There are hundreds of organizations, secular and faith-based, ready to expand their response to the HIV/AIDS pandemic. CARE, for example, has spent 15 years fighting HIV/AIDS, working with host governments, international organizations, and local partners. We currently support HIV/AIDS projects in 37 countries around the world with a total annual budget of almost $15 million. If funding were made available, we would double or triple the size of our HIV/AIDS programming. I believe the same is true for many other AIDS organizations.

That is what Peter Bell wrote to President Bush from the CARE organization just a few weeks ago.

Some of you are familiar with the organization World Vision. You can't watch one of their programs without having your heart torn to shreds. These wonderful people involved in World Vision around the world are working day and night with the most poor people on Earth. Richard Sterns sent a letter to President Bush just a few weeks ago. This is what he said:

Let me assure you, Mr. President, we have the capacity to make a difference now and build for the future. The absorptive capacity is made up of a number of different players, national and local governments, community based organizations, a strong and widespread faith community, and international NGOs.

He then closed by saying this:

It is my opinion that within these various delivery systems, $3 billion in aid can be effectively delivered to those who desperately need it now.

Richard Sterns, president of World Vision.

This Senate has considered this issue. In July, 78 Members of this body—78 of us—voted in a sense-of-the-Senate resolution for full funding up to the authorized level of $3 billion for AIDS. We said in that sense-of-the-Senate resolution we would stand by that number, even if it meant exceeding the levels authorized in the budget.

I can go through my entire statement, but the hour is late. I will not do that to you because I think you all understand it. Let me just say, if there is an argument that the money I am asking for is outside of the appropriations bill, let me remind you, the amendment we just passed was outside of the appropriations bill as well.

If there is an argument that we really don't owe $3 billion, let me tell you, the world thought our pledge was $3 billion. These heads of charitable organizations around the world are telling us that is what they understood the American commitment to be, and we are almost $600 million short this year.

Let me also add, if the argument is to be made that this money cannot be spent, the experts in the field, the men and women who risk their lives every day in the poorest places on Earth, have told us over and over again they need the money and they need it now.

I close with a reference to something I have been thinking about for some time. There was a movie which most of us have seen called ''Schindler's List.'' You will never forget that movie as long as you live. And you remember that this man in Nazi Germany did everything he could think of—trickery, smooth talking, and guile—to save the lives of Jewish people destined for concentration camps. His success was so

great that at the end of the movie, they showed in that factory the hundreds, maybe thousands, of people whose lives had been saved.

As he was about to leave them when the war was over, there was that final scene which none of us can forget. They turned to Schindler to give him a ring, a gold ring made out of the fillings of their teeth, in appreciation for what he had done to save so many lives. He broke down in tears, and he said in that movie:

I should have done more. I should have done more.

That is where we are tonight. The DeWine amendment has moved us positively toward almost $300 million in this fight against global AIDS. But we should do more, and we can do more.

My colleagues, please, stand together tonight with our promise from our President on this global AIDS epidemic, a bipartisan promise that brings out the best in America. Let us leave with this bill saying: We kept our word. We stand behind you and we are prepared to lead the world. Let us provide the money and never have to say at some future time: We should have done more.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Let me say for the information of all Senators, the Senator from Nevada and I have been working on how to finish up tonight. I am not going to ask consent yet, but the plan is as follows: To stack three votes, first a vote on or in relation to the Durbin amendment, then on or in relation to the Bingaman amendment, then on or in relation to the Feinstein amendment. After that, we expect to be able to handle everything else by voice vote, including final passage.

Mr. REID. I ask unanimous consent that that be the case, there be no limitations as to time on that but there be no—no limitations as to time.

I would ask if my friend would modify his request. I have spoken to Senator FEINSTEIN, Senator DURBIN, and Senator BINGAMAN. If we could have it in inverse order, Senator FEINSTEIN first, then Senator DURBIN, and then Senator BINGAMAN?

The PRESIDING OFFICER. The Senator from Vermont?

Mr. REID. Would that be OK with the Senator?

Mr. MCCONNELL. I say to my friend that seems fine.

Mr. LEAHY. Reserving the right to object—and I shall not object—there was a discussion you may recall. I also suggested that when we do that, the penultimate vote and the final vote be 10 minutes.

Mr. REID. That is very reasonable. I so modify my request. I hope the manager does on the other side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I also congratulate the Senator from Ohio as well as the majority leader for the tremendous work they have done on this issue in crafting a compromise that will keep within the budget. This DeWine amendment did keep within the budget and meeting the need that is out there in Africa and the Caribbean to address the greatest health crisis that maybe the world has seen.

I respect the Senator from Illinois. I share his passion for trying to do more. But I think we need to look at what, No. 1, our commitment was and, No. 2, what is the best and most prudent way of going about building the capacity, meeting the needs in a responsible way to all involved.

Let me talk first about what our commitment is. The commitment by the President, when he announced his plan—this was before the bill passed the House and Senate and was signed by the President—was to spend $15 billion over the next 5 years and ramp up as capacity would ramp up within those 12 countries in Africa and the 2 in the Caribbean. As capacity would ramp up, we would ramp up funding.

That makes sense for those who have traveled to Africa. I had the opportunity to meet with Ambassador Tobias today, who is in charge of the AIDS effort in Africa. I also had a chance to meet with Richard Feachem, who is in charge of the Global Fund, this afternoon.

I can tell you that while, yes, there are lots of organizations out there, to suggest there is the capacity at this point to take on the amount of money that is being contemplated here I think overstates the case, at least according to the experts, the people who are in charge of distributing this money. In fact, the administration makes a very strong argument that the money that was added to the DeWine amendment may not be able to be spent within the fiscal year. But we believe if there is a potential that that could happen, we would rather put a little bit more money there, just in case they do find that there can be some sort of expansion beyond what they, at this point in time, believe is possible.

We provided that cushion for the administration, and $300 million is not a small cushion. It is a fairly substantial increase in the amount of bilateral aid that is going to be provided by the United States—about a 15-percent increase.

I suggest that we provide that cushion which allows for the expectations of the administration to be on the low side, and be able to grow, if necessary. Obviously, we don't want them to spend money if it is not going to be spent efficiently; it will not really help. We want them to be good stewards of the funds and be able to spend that money to provide treatment, provide prevention, and provide it for taking care of both the old and dying and those who are near death and those who are young.

I suggest that the DeWine amendment accomplishes everything the Senator from Illinois wants to accomplish. The reason, by the way, it accomplishes what the authorization says is because there is now $2 billion for bilateral aid in the appropriations process this year. That is what the authorization says—$2 billion in bilateral aid, and up to $1 billion in matching from the Global Fund.

Let us look at the Global Fund. I just met the Director of the Global Fund. The contribution pledged for next year, as of this moment, is $100 million which was announced yesterday. So it is up to about $770 million. In the appropriations bill that we are going to pass, it is $400 million. Actually, it slightly exceeds the pledge that is in the authorization. For every two dollars of international aid there would be one dollar of U.S. aid. If you take roughly $800 million, it is actually less because $400 million meets the pledge that we said we would provide in the authorization.

To make the suggestion that we haven't in principle met it is just not right.

That is how we came up with the number that was in Senator DEWINE's amendment that was cosponsored by Senator DURBIN. We have met our obligations to the Global Fund. We have met our obligations in the authorization to provide $2 billion in bilateral aid even though the administration doesn't believe we can spend $2 billion efficiently and effectively.

I think we have pushed the envelope. The administration only pledged $200 million to the Global Fund. We have $400 million. We doubled the commitment that the administration said they would provide. We doubled it because we wanted to meet expectations. We have done so.

I suggest that we have met our obligation for bilateral aid. We have met our obligation for the Global Fund.

If, in fact, later when we get into 2004 and the Global Fund ends up raising more money—we have fiscal year 2005, which starts in calendar year 2004—at the end of 2004, and we did provide some more money to increase the match at the end of next year, a lot of money comes in from the other countries on a calendar basis. So we have an opportunity if we need to come up with more money to meet our match in the 2004 calendar year.

But there is no need to further bust the budget or try to bust the budget on something where we have made our commitment in the authorization and exceeded the commitment that the President made when he announced the $15 billion over 5 years. The President is wise. We would be wise if we are going to make the $15 billion commitment. I don't think anyone in this Chamber would argue that $1 spent in 2004 after 4 years of building up capacity, efficiency, and effectiveness is going to be more efficiently and effectively spent than putting more money in year 1. I don't think one can make that argument. We may be able to

build capacity quickly and less efficiently and costly, but that money would be used more wisely and efficiently in later years where we can put more money in the hands of people who get those needed drugs and needed care in a much more efficient and broadly based way.

I think we have struck the compromise. I hope the Members of this Chamber will know that in good faith. I appreciate what the Senator from Illinois is doing. I have great sympathy for his cause, but I think we have struck the balance here and I hope this Chamber will vote accordingly.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise in strong support of the Durbin amendment.

First, I thank my colleagues and friend from Illinois for his passion and his eloquence and his persistence over and over on the floor, speaking up for those around the world who have no voice in this Chamber and who desperately need our help.

I also congratulate Senator DEWINE for his leadership in getting us up to this point.

We are talking about 8,500 people being killed by disease every day—8,500 people today, 8,500 people tomorrow, 8,500 people the next day, and 6,500 in Africa alone. We are seeing HIV/AIDS produce 14,000 new infections every day, and 9,500 which occur in Africa.

If that doesn't tell us there is a sense of urgency to do all that we can do, I don't know what does. When we look at the facts of the more than 30 million people in Africa alone with HIV, only 50,000 have the medicine they need—we hear over and over again from the organizations in Africa that they have the capacity; they just need the resources; they just need our help.

There is no question when you look at the number. Less than 1 in 20 pregnant women have access to services to prevent mother-to-child transmission. The numbers are going on and on.

I urge colleagues to step up and support the promise that we made a few months ago—the promise that we made of $3 billion a year over 5 years, a total of $15 billion, and join together to send a message that we understand the sense of urgency from the people around the world who are so desperate for our help.

I remember just a couple of weeks ago on the Senate floor when we were talking about the Iraqi supplemental and reconstruction, I spoke about delaying a portion of the reconstruction dollars because it was clear from all of the evidence and studies that only $6 billion to $8 billion could be spent the first year. We wanted to divert some of those dollars in another direction for things here at home. We were told on the Senate floor that we needed to keep our full commitment, whether or not the capacity was there, and that we needed to immediately let them know what they had to work with so they could move as quickly as possible. I suggest this is no less; I believe the capacity is there now.

The reality is we need to let the people around the world, and the people of Africa and Americans who are working there desperately trying to make a difference and save lives, know that we in Congress will keep our commitment on behalf of the people of our country.

We are talking about a relatively small amount of dollars for saving literally thousands and thousands of lives.

As the Senator from Illinois said, we have a responsibility to do what we can do. We don't want to be in a position of looking back when the picture is clear about what has been going on and say where were we when we had the chance to save as many lives as possible.

The Durbin amendment needs to be passed, and it needs to be passed now.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Madam President, I first want to thank my colleague, the Senator from Ohio, for the incredible work he has done. He has been tireless and steadfast on this issue. I was proud to be a cosponsor of his amendment.

I thank my colleague, the Senator from Illinois, for his passion on this issue. I have the greatest respect for what he is trying to accomplish.

Today, I had an opportunity to meet with Ambassador Tobias. We talked about this issue of capacity. He said he was in a warehouse—either in Botswana or South Africa—but he was in a warehouse. The warehouse was full of antiretroviral drugs. They were close to their expiration date. These drugs had been donated by a company. The drugs were there but they didn't have the capacity to get them all out. Those drugs were in danger of being wasted.

We were in South Africa this summer. I was with Leader FRIST and others and dealing with the issue of AIDS. There are 5 million people in South Africa who are HIV positive. There are approximately 20,000 receiving antiretroviral treatment.

We visited Anglo Gold, one of the largest gold mines in the world. They made a commitment to each and every employee to cover the full cost of treatment. Money is not the issue. They believe they have perhaps 30,000 employees HIV positive. They were hoping to get in the first year 10 percent, 3,000 to come in for treatment. They have a third of that and less to date. They said to us: The money is not the issue; we do not have the capacity to do it right. You have to do it right.

I will fight very hard to keep our commitment of $15 billion over 5 years. As my colleague from Pennsylvania said, we have met our commitment that is in the authorization of $2 billion by the DeWine amendment. We have met our commitment to the global fund. We are meeting our commitment. We are doing it the right way. We are going to have to ramp up. The needs are great.

In my own experience, having visited Africa, the capacity is not there. You simply cannot throw money at a problem. We have to do the right thing. We are doing the right thing by the commitments we have made by supporting the DeWine amendment. I oppose the Durbin amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Vermont.

Mr. LEAHY. Mr. President, it is interesting, before I came to the Senate, I recall seeing headlines saying the Congress passed an authorization to do this or an authorization to do that; $100 million to improve the environment somewhere, authorized $1 billion to do this. It was not until I got here that I realized that does not do anything. We could authorize $5 trillion for polio vaccine tonight, but if we did not appropriate some money, it is nothing.

In ''Henry IV,'' Part I—if the Senator from West Virginia were here, he could set me—Part I, Act 3, Scene 1, we all remember that scene very well.

Glyndower says to Hotspur: I can call spirits from the vasty deep.

Hotspur answers: Why, so can I, so can any man; But will they come when you call for them?

We have authorized the money and the President and everybody else had wonderful speeches. I commended him, praising him. He met with all the various religious leaders and everyone else and went to Africa and talked about what we have promised. That was the authorization.

Now it is time to call for the money from the vasty deep. We can find $87 billion we had to send immediately to Iraq with absolutely no indication of whether the capacity was there to spend it when questions were asked. They were never answered. Included were items such as $6,000 telephones that could be bought for $600 in neighboring countries, and so on. But we just told them, we will build the capacity.

What the Durbin amendment, combined with the DeWine amendment—and I was a cosponsor of the DeWine amendment as I am of the Durbin amendment—if you put them together, then we do fulfill the commitment that the President of the United States very rightly said this country would do.

I have traveled to Africa. I have traveled to Haiti, Vietnam, China, and elsewhere. I have seen how AIDS is spreading. Other Senators on both sides of the aisle have seen the same. When you see that these additional funds can be effectively used, we have to ramp up. In all my travels, all my conversations with foreign leaders and public health experts, I have never met anyone who believes the money provided by this amendment could not be well spent today, not a year from now.

I have seen some of the vaccines that some companies donate, just about at their expiration date. Then they take a full tax writeoff even though it will not be used.

Everyone who is working in the field to stop AIDS believes we need the additional funds today.

That is why I praised the President when he promised them. That is why I will support the senior Senator from Illinois tonight to help in carrying out the promise that President Bush made.

You cannot argue $3 billion is too much to spend effectively in combating AIDS in 14 countries. That is not what the United States Leadership Against Aids Act says. Besides, why limit our efforts to 14 countries when five times that many countries are being ravaged by AIDS? Why ignore the other two dozen countries in Africa? Why ignore Russia or China or India where AIDS is spreading out of control? India is going to swamp virtually everywhere else with an AIDS crisis the way it is spreading. China, Russia, we have strategic interests there.

It is a false argument to say we cannot do this. Frankly, when you are the wealthiest nation on Earth, the most powerful nation on Earth, I believe it is an immoral argument. It is not just a fact that we in the United States are threatened by the spread of AIDS in other countries. We actually have a chance to do something about it. We have a chance to do something about it in countries where the yearly income is less than some of us have spent on an evening out with dinner, a show with our spouses; actually, where a yearly income is less than we spend on the time it takes for us to have this debate in most places.

It is in the 14 countries. If we could isolate AIDS to 14 countries, we should sing ''Glory, Hallelujah.'' We cannot. There are dozens of countries that need help, that need to have people trained. We should provide the equipment to support a national prevention and treatment program. Ask anyone who is working those countries. They will tell you.

To argue that we do not have the capacity is not based on fact. It is not based on reality. It is not based on public health. I worry that argument is made because they do not want to spend the money. We are spending an awful lot more money to fight AIDS today than if we faced up to this problem two decades ago, but people did not want to. We wasted two decades. Twenty-five million people died in part because we and others failed to act. People died during that time. It is a population equal to 50 times my own State. Actually it is in population about 50 times the State of the distinguished Presiding Officer.

I commend the Senator from Illinois. I wish the White House would not oppose this amendment. What the Senator from Illinois is trying to do is to call them from the deep, call up the money to back up what the President has promised. The President has been rightly praised by religious leaders, by heads of state, by well-known entertainers such as my good friend Bono, from Ireland, for promising this money. So the White House should not stop us now that they have had the praise, now that everyone has stood up and said the President was right. Now we should not have the White House coming in through the backdoor and saying, don't vote for the money. We want to make the promise. We do not want to spend the money.

I hope everyone will stop and think. We could spend this money. The President was right to promise it. We are right to back the President's promise.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I do not know if there are any other Members who wish to seek recognition on this amendment. If they do, I will wait to speak last.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I wish to clarify a point the Senator from Vermont made about the White House.

I think if the Senator from Vermont will go back and look at the White House's proposal, and how much money they said they would spend when they put the proposal forward—which I think the Senator from Vermont rightly said was praised by the international community—the Senator from Vermont will discover that the President's proposal had less than $3 billion in the first year, actually roughly $2 billion in the first year, and then over the course of the following 4 years it was ramped up to in excess of around $4 billion.

So I think to suggest that the administration announced a plan with one hand and then somehow pulled back with the other is not accurately reflected by the record in this case.

The White House has been clear from the beginning as to what they have believed was the capacity for spending appropriately within the 14 countries they have outlined in the plan. They have stuck to that plan. They have insisted the numbers they put forth in the first place are accurate.

I share the Senator's concern that number may be low, and that is why I worked with Senator DEWINE and Senator FRIST to come up with some additional funds, some $400 million, to see if we could do more bilateral aid as well as provide more money for the global fund. We have accomplished that.

But I just want to set the record straight. The administration has announced their policy, which was warmly received by the international community, a community that understands that the capacity now is not what it will be 5 years from now as a result of the efforts of this administration, and that the money then can and should be ramped over a period of time based on the efficient capacity to be able to distribute, for example, the antiretroviral drugs the Senator from Minnesota talked about today that are sitting in a warehouse with an expiration that is nearing, with no ability to get those drugs out.

That is the current state in many areas in Africa. And to suggest that because the administration recognizes there is a failure of capacity of any areas in Africa is somehow coldhearted or, more importantly, that it has reneged on its promise does not accurately reflect what happened. It does not, in any way, in my opinion, accurately reflect the tremendous compassion and leadership which the administration and this President have shown on this issue.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to close. Would the Senator from Vermont like to be recognized?

Mr. LEAHY. If I could.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I just took this from the quotes of what the President said on July 12 in Nigeria:

> The people of Africa are fighting HIV/AIDS with courage. And I'm here to say, you will not be alone in your fight. In May, I signed a bill that authorizes $15 billion for the global fight on AIDS. This week, a committee of the House of Representatives took an important step to fund the first year of the authorization bill. And the Senate is beginning to take up debate.

He then stated:

> The House of Representatives and the United States Senate must fully fund this initiative, for the good of the people on this continent of Africa. . . .

So I went to what it was the President had signed, the authorization bill of which he spoke. He called upon us to fully fund it, but what it said in the authorization was $3 billion for the first year.

I spoke with the President about this. I told him I thought we could use the money. It is what he in his speech in Africa called upon the Congress to do. He said he would sign this authorization bill, which authorized $3 billion the first year, and he is calling upon us now to carry out our part. He has done his part. He wants us to carry out our part to fund it.

Well, we are trying to carry out our part. I also worked with the Senator from Ohio and the Senator from Illinois, as did Senator MCCONNELL, to find the extra money. It is more money. We have just voted for more money than what the White House said we needed when the bill first came up.

I am glad they are not resisting that extra money. I commend the White House for that. I commend Senator MCCONNELL, Senator DURBIN, and Senator DEWINE for working so hard to find it. But the fact is—the fact is—we have to build capacity. Capacity does not happen overnight. We can use the $3 billion. There is no question, it can be used. Every health official in the world would tell you that. We can use the money. We ought to get it into the pipeline. We ought to spend it.

The President was right. I took the floor of the Senate and praised him

when he spoke of the need for this. I praised him publicly, and I praised him privately when I spoke with him about it.

So that is what it is we are trying to do.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, very briefly, and because I know we are about to hear closing comments on this amendment, I have two unanimous consent requests.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2691

Mr. President, I ask unanimous consent that on Monday, November 3, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of the conference report to accompany H.R. 2691, the Interior appropriations bill, provided that there be 60 minutes of debate equally divided between the chairman and ranking member of the subcommittee, and following the use or yielding back of the time, the Senate proceed to a vote on adoption of the conference report on Monday, at a time determined by the majority leader, after consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 150

Mr. FRIST. Mr. President, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of S. 150, the Internet Tax Moratorium, but not before November 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, if the majority leader has finished, I ask unanimous consent that there be 2 minutes equally divided before each of the subsequent votes following the vote on the Feinstein amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I would further ask, just as a matter of inquiry—I know Senator DURBIN is about to wrap up the debate on his amendment. Senator FEINSTEIN told me she would speak no longer than 5 minutes. And people are calling.

Does the Senator from New Mexico have any idea how long he wishes to speak?

Mr. BINGAMAN. Mr. President, in response, I would be glad to speak for no more than 5 minutes.

Mr. REID. Mr. President, so everyone should be aware that these votes should start in the next 10 minutes or so.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, has the debate now been completed on the Durbin amendment?

Mr. REID. No. The Senator from Illinois wants to finish the debate, but he has just a few more minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I personally thank my colleagues. It is late. People would like to go home. I understand the weariness we all feel because it has been a long and hard week. But I hope you all understand this is not just another issue. For many of us—I think for all of us, frankly—this is an issue which is the challenge of our generation. It is the challenge of our time.

I was one of those Democrats who stood and applauded the President of the United States at his State of the Union Address. I thought he made a spectacular, historic commitment that the United States would lead the world in the fight against the global AIDS epidemic. He included tuberculosis and malaria.

Having visited some of the Third World countries that are victimized by these diseases, I stood and applauded in heartfelt support of the President, proud to be an American and proud of what he said: $15 billion over 5 years. We came back in the Senate and we decided to authorize—a Republican majority and the Democratic minority—$3 billion this year.

So this figure of $3 billion is not my creation. It is the Senate's creation. And it is a number which we ratified in July when 78 Republican and Democrat Senators said: Yes, that is what we are going to spend this year, $3 billion. Regardless of budget consequences, we will keep that commitment.

So this $3 billion figure is not one I have come up with. It is one that the President came up with. It is one that the Senate came up with.

Now, a lot has been said about capacity. Let me explain what I think is a misunderstanding here. One of the Senators said: I saw a warehouse full of vaccine that was about to expire. That is proof positive we don't need to send any more money over there because, frankly, it will be wasted. I guess that is the conclusion.

Let me read to you what the President of the United States said when he announced the global AIDS coordinator just a few months ago:

> We will set up a broad and efficient network to deliver drugs to the farthest reaches of Africa, even by motorcycle or bicycle. We will train doctors and nurses and other health care professionals so they can treat HIV/AIDS patients. Our efforts will ensure that clinics and laboratories will be built, renovated, and equipped. Child care workers will be hired and trained to care for AIDS orphans. People living with AIDS will get home-based care to ease their suffering.

This is what the President said. What we are doing with this money is not just sending medicine to warehouses. We are doing these things. The President has said we are using this money to build the capacity. Doesn't it defy logic for us to say if we need more nurses and health care professionals, it would be better to wait several years before we train them? We need them now so they can deliver the therapies and medicines necessary to save lives during the next 4, 5, and 10 years.

Shortchanging that capital investment, shortchanging that capacity investment on the front end is a guarantee these poor people will continue to die. Why would we stand by and let that occur?

The saddest thing about this amendment, the saddest thing of all is it is likely to be a partisan amendment. When you look at the rollcall, count the no votes. You are likely to see one political party, and the yes votes another political party. Of every issue in the world today which we will consider, this is the one that should not be partisan. This is the one where the President really summoned all of us to stand together in a bipartisan fashion.

I want to say one word in closing. Senator FRIST was here a moment ago. He has left the floor now. He is very busy; I understand. I have such personal admiration for Senator FRIST, though I disagree with him on a lot of political issues, but such personal admiration because this man is not only a political leader in America, he is a moral leader of the Senate. He takes his skills as a doctor to Africa, to the poorest places on earth to help the poorest people. Of all the things that could be said of BILL FRIST, no one can ever question his moral commitment to poor people. That is not only admirable and honorable, but it speaks so well of him and what we can be when all of us understand that when it comes to issues of life and death for the poorest people around the world.

Please, step aside from party label. Step aside from the moment and say: We are going to do what is necessary to save these lives so some future day we don't look back and shake our heads and say: We should have done more.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the only remaining time to be used on the Feinstein amendment be 5 minutes to be used by Senator BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Senator FEINSTEIN is entitled to 5 minutes.

Mr. MCCONNELL. I understand that. I am locking in the time on this side. I ask unanimous consent that the only time to be used on the Bingaman amendment be 3 minutes to be used by the senior Senator from Kentucky.

The PRESIDING OFFICER. The Senator is referring to his side?

Mr. MCCONNELL. Right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. With regard to the pending Durbin amendment number 2047, it increases spending by $589,700,000. This additional spending would cause the underlying bill to exceed the subcommittee's 302(b) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1977

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe I have 5 minutes on my amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 1977.

The PRESIDING OFFICER. The amendment is pending.

Mrs. FEINSTEIN. I thank the Chair.

I ask unanimous consent to add as cosponsors, in addition to Senators SNOWE and MURRAY, Senators CLINTON, JEFFORDS, and DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, looking at the scope of the HIV/AIDS tragedy, 40 million people are infected with HIV worldwide and 30 million of these people are from sub-Saharan Africa, approximately 70 percent of the world's total. As of 2001, 21.5 million Africans had died of AIDS, and at least 50 million new cases are projected by 2010 in five countries alone: China, Ethiopia, India, Nigeria, and Russia.

It is estimated that two-thirds of the 45 million new HIV infections expected to occur during this period could be averted with effective prevention. That is where we must go. This amendment does not aim to change the one-third earmark for abstinence until marriage. This amendment aims to provide some flexibility so that the people on the ground have the opportunity of tailoring the most effective prevention program.

The way in which we do it is, first, we reserve at least one-third of funds for the prevention of the sexual transmission of HIV, rather than one-third of all prevention funds, for abstinence-until-marriage programs.

Secondly, our amendment defines an abstinence-until-marriage program as any program that places a priority emphasis on the public health benefits of refraining from sexual activity outside of marriage.

Our amendment gives the administration, local communities, and HIV/AIDS workers on the ground maximum flexibility to design HIV/AIDS prevention strategies that are most effective in stopping the spread of AIDS.

One of the things we know, for example, is that Nevirapine, given to a pregnant woman, can stop the spread of HIV to her unborn child. In removing the one-third earmark from that program, you are able to use prevention dollars in a much wiser way.

Let me be clear: Our amendment does not strike the one-third earmark for abstinence until marriage programs. Rather, it ensures the United States can fund programs that are most successful in increasing abstinence among young people.

We believe this is a pro-abstinence, results-oriented amendment. It balances congressional priorities with public health needs. I urge my colleagues to support it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to speak in opposition to the Feinstein amendment. I have deep respect for Senator FEINSTEIN. I have worked with her on a number of issues. I respect her thinking process, her compassion, and her view. However, on this issue, I have to differ with her, and I wanted to articulate several reasons why.

No. 1, we have voted on this issue already. This issue came up earlier when we had the debate on the major initiative put forward by the administration on HIV/AIDS. This was a major issue of debate at that point in time when we were trying to get the authorizing piece of this bill through. This is the appropriations piece. But when we were trying to get the authorizing piece of the bill through, we had a major debate about this.

We had a number of people here at that time talking with us about the role of abstinence. The leading country that has been successful in the major area where we are targeting our efforts in the HIV/AIDS pandemic has been Uganda. The Ugandan model is ABC, and it leads with abstinence. The day of the vote on this, we had the First Lady of Uganda here speaking with a number of us, talking about the central role of abstinence and the historic drop in the level of HIV/AIDS that had taken place in their country.

These are very impressive numbers, best of any country around the world that has had the high infection rates. Their infection rate dropped from 21 percent to 7 percent in just 9 years. She was saying specifically it was the abstinence portion. It was the abstinence focus.

If you want to stop the spread of AIDS, the best way to do it is abstinence. She was here and speaking to us with great clarity about that issue.

We had the debate, and we voted at that point in time with a majority saying we want a certain amount of money to go for the abstinence program.

I have great respect for the Senator from California. The Feinstein amendment would take money away from the abstinence focus in this program. In effect, she would open it up to more areas and dilute the abstinence base funding so that it will be reduced. In effect, we will be changing the course we set in the authorizing language: that we want a certain amount of money, about a third of this pool, to go to abstinence, and we would be changing course and reducing that level from the authorizing language.

The administration and the Ambassador for Global AIDS Coordination, Ambassador Tobias, has written to the Senate Foreign Operations chairman, Senator MCCONNELL, in strong opposition to this amendment. He says in his final paragraph:

> Finally, the effect of this amendment would be to decrease the amount that could be spent on abstinence-until-marriage programs as a prevention model, and I believe that would not be in the interest of best public health practice.

This is the person implementing this legislation, the amount of funding we are putting forward. He thinks the money targeted by the authorizing committee is appropriate and best suited for us to meet the objectives.

Mr. President, my objective is to reduce AIDS infections around the world, and the best model is Uganda. It has gone from 21 percent to 7 percent and the lead program they did it with was abstinence. We have a proven model. We voted on this previously. I urge my colleagues, with all due respect to the Senator from the State of California, not to change minds on this issue but, rather, to stay with what we already discussed and decided on and stay with the funding levels we currently have.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Mrs. FEINSTEIN. Mr. President, how much of my time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 45 seconds remaining.

Mrs. FEINSTEIN. Mr. President, with respect to Uganda, I would like to read testimony from a Ugandan HIV/AIDS director before the House regarding the promotion of prevention by the President of Uganda. Let me quote this:

> For some, he promoted a message of delaying sexual debut. For others, he urged them to be faithful to one partner and to use a condom. It was his three-part message that was effective in Uganda. In my personal experience, I believe this three-part message is critical.

Currently, one-third of all prevention funds must be reserved for abstinence until marriage programs. This earmark limits the amount of funds available for other prevention programs, including preventing mother to child transmission. There are literally 5 million to 10 million orphans already from AIDS in Africa, and it is going to be much more.

All we are saying, is that the one-third earmark should not apply to programs that give a pregnant woman a 90 percent chance of preventing the transmission of AIDS to the unborn child. That is all we are doing in this amendment, providing some flexibility.

Remember this overwhelming statistic. The estimates are there will be

in excess of 20 million orphans by 2010 in Africa. There should be flexibility. Our amendment allows the people on the ground to design a HIV/AIDS prevention program that is most effective at stopping the spread of HIV/AIDS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BROWNBACK. Mr. President, responding to the good Senator from California, I note the abstinence funding is only 33 percent of the bill. The remaining two-thirds of the money can be used in other models other than the abstinence model. There are other funds in the bill that can't be used for other types of treatment, but we set aside a certain portion for the abstinence model because it has proven to be so effective.

The other point the Senator from California mentions is flexibility. Ambassador Tobias, who runs the global AIDS program, is opposed to this amendment because it restricts his flexibility. I quote from the letter he sent to the appropriations chairman:

> Given the various cultures, traditions, and religions that are reflected in the global HIV/AIDS epidemic, it is essential that we be enabled to work with multiple prevention approaches and partners to affect behavior change. Restricting such flexibility, as this Amendment intends, would undermine our ability. . . .

I urge a vote against the Feinstein amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to take just 30 seconds to speak in support of Senator FEINSTEIN's amendment.

The issue here is not about whether we support abstinence as a method of preventing the transmission of HIV. Obviously, it is one approach, and an important one especially in countries where young girls are extremely vulnerable. Encouraging young people to postpone sexual activity until they are in a monogamous relationship is a key goal of any AIDS prevention strategy. So abstinence is one approach that we need to support along with other prevention strategies.

But the Leadership Against AIDS Act says that 33 percent of all AIDS prevention funds should be spent on abstinence programs. The question, which is not answered in that act, is how to define abstinence, because if it is defined too broadly, it will eat into funds that are crucially needed for other prevention methods, such as HIV testing, and educational and information programs about methods to prevent HIV transmission among people who are sexually active.

This amendment strikes the right balance, and I commend the Senator from California for taking on this difficult but very important issue.

I ask for the yeas and nays on the Feinstein amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered on the amendment.

AMENDMENT NO. 2048

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I call up amendment No. 2048.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DASCHLE, proposes an amendment numbered 2048.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To make an additional $200,000,000 available for the Global Aids Initiative and reduce the amount available for Millennium Challenge Assistance by $200,000,000)
>
> On page 22, line 7, strike ''$700,000,000'' and insert ''$900,000,000''.
>
> On page 45, line 8, strike ''$1,000,000,000'' and insert ''$800,000,000''.

Mr. BINGAMAN. Mr. President, let me start by congratulating Senator DEWINE, Senator DURBIN, and all the others who worked so hard on the earlier amendment we adopted to add some funding. The case was extremely persuasive. By adding those dollars, we will be saving tens or perhaps hundreds of thousand of lives. I agreed with that and was very strongly in support of the amendment.

The purpose of this amendment is to make an additional $200 million available for the global AIDS initiative and reduce the amount that is available for the Millennium Challenge Account by $200 million. So this is a transfer of funds from one part of the appropriations bill to another.

Let me talk first about the Millennium Challenge Account, with which we are all familiar, to help developing countries. The administration, in their budget request, asked for $800 million in new obligated funds for this Millennium Challenge Account. That was what the Secretary of State testified to in answer to a question from Senator BIDEN before the Senate Foreign Relations Committee.

Senator BIDEN asked:

> What is the estimate of obligations of $800 million in fiscal year 2004 based on?

Secretary Powell's answer:

> This is an estimate of the proportion of the $1.3 billion budget request which we expect would actually be obligated in 2004 based on the careful selection system we have set up. Thus, we do not believe it likely that all MCA money appropriated in 2004 would be obligated in the fiscal year.

Let me put up one other chart. This chart depicts graphically that the President's budget request was $1.3 billion in budget authority, but only $800 million in funds to be obligated in 2004.

The House, in their appropriations process, took the President at his word and said: OK, you want $800 million for the Millennium Challenge Account; we will give you $800 million.

We have gone an extra $200 million, although the administration itself says this extra $200 million they want for 2005 and later. They do not need it for 2004.

My amendment simply would use that money in 2004 for this AIDS problem about which we are all so concerned. The amendment is inside the budget. It is inside the appropriations caps that the subcommittee has been given.

In my view, this is a much better use of the money than just leaving $200 million in an account somewhere for the next 12 months until we get to 2005. This would be money that would be made available. I do not agree with the notion that we can just postpone and do more good with this money later on. Later on, many of the people we would like to help will be dead. The reality is we need to get this money and assistance to them as quickly as possible and follow through on the promise we have made. So I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we are nearing the end of the debate. There will be three rollcall votes stacked very shortly. Senator LEAHY and I are unaware of any requests for any more rollcall votes. So I think it is safe to say that these three rollcall votes will be the last remaining rollcall votes for the night.

With regard to the Bingaman amendment, this amendment adds $200 million of an existing budget of over $2 billion to fight global AIDS. Just to put that in perspective, this amendment adds more than the entire fiscal year 1999 Clinton global AIDS funding level to this year's level on top of what we have already done. It adds $200 million for HIV/AIDS with an offset, taking away from the Millennium Challenge Account, the President's new initiative. We are spending over $2 billion already this year, as has been repeatedly stated tonight, to combat HIV/AIDS, including nearly $200 million for the Global Fund.

The Millennium Challenge Account is a new initiative that enjoys broad bipartisan support. The MCA provides foreign assistance to developing countries that are doing things the right way, from ruling justly to building free market economies.

The Senate just approved the DeWine amendment 89 to 1. That increases HIV/AIDS spending by $289 million. It is time to wrap it up on this bill, to not steal money from the Millennium Challenge Account. I urge opposition to the Bingaman amendment.

I am prepared to yield back the remainder of the time on this side and let the Senator from New Mexico wrap it up.

The PRESIDING OFFICER. The Senator yields the remainder of his time.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 1 minute 20 seconds remaining.

Mr. BINGAMAN. Mr. President, just to summarize the point, I am in favor of the Millennium Challenge Account. I am proposing that we go ahead and provide the full $800 million that the administration asks to be obligated in 2004. That is exactly what the House of Representatives did. That is exactly what we ought to do.

My only point is that we should not be giving them $200 million that they themselves—that is, the administration itself—say they cannot spend in 2004. They do not plan to spend it in 2004. That money should be made available to fight AIDS. We can do that. It does not bust the budget. It does not bust the limitations that we have on this spending bill. It is a better use of that money, and I urge my colleagues to support that amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico yields back the remainder of his time.

The Senator from Vermont.

Mr. LEAHY. I have great respect for the Senator from Kentucky and the bill that he has put together. Whatever the outcome of the vote, I will strongly support this bill. It is a good bill. Senator MCCONNELL has worked in a bipartisan manner to accommodate a number of priorities. This is one disagreement. We have hundreds of issues that we have to resolve in this bill. I think our average is pretty good.

As Senator BINGAMAN pointed out, this is not a vote for or against the Millennium Challenge Account. The MCA could turn out to be a great program. This is a vote about priorities. This amendment is fully offset. The vote is on the following question: Do you want $200 million sitting in the Treasury for a year? Or, do you want to spend if fighting HIV/AIDS?

The administration's own budget documents say that they will spend only $800 million of this money this year. Anything above this level will not be obligated until Fiscal Year 2005. This is precisely why the Republican-controlled House provided $800 million for the MCA. Secretary Powell made this point very clear when he testified before Senate Foreign Relations Committee. He was asked: ''Why can you spend only $800 million in Fiscal Year 2004?

He replied—and I am quoting—this figure is ''based on the careful selection system we will set up.'' Secretary Powell continues: This is an innovative approach with no precedent to guide us. We anticipate that it will take some time to develop the first proposals and then hone them into acceptably detailed and accountable contracts. We thus did not believe it likely that all MCA money will be obligated in the fiscal year. We would anticipate that any remaining funding would be obligated in fiscal year 2005 for programs in countries selected in fiscal year 2004.

I know that the White House will figure out a way to say they need this money. But, let me tell my colleagues a couple of other things I know. I know that this additional money will sit in Treasury—their own budget documents show this. Secretary Powell testified to this. I know we do one year appropriations around here. We will revisit this issue next year. I know there is not enough money in this bill to combat the worst public health crisis in 500 years.

The Bingaman amendment gets us more money, which is fully offset, to accomplish this important goal. I urge my colleagues to vote yes.

Also, I thank the staff members who have worked so hard on this bill. Senator MCCONNELL and I work in a bipartisan manner and so do the respective staffs. On the Republican side I thank Paul Grove, Brendon Wheeler, Robert Karem. On the Democratic side, I thank Tim Rieser, Mark Lippert, and J.P. Dowd.

The PRESIDING OFFICER. All time has expired on the Bingaman amendment.

VOTE ON AMENDMENT NO. 1977

The PRESIDING OFFICER. The question is now on agreeing to amendment No. 1977 offered by the Senator from California on which the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 47, as follows:

[Rollcall Vote No. 430 Leg.]

YEAS—45

Akaka	Breaux	Conrad
Baucus	Byrd	Corzine
Bayh	Cantwell	Daschle
Biden	Chafee	Dayton
Bingaman	Clinton	Dodd
Boxer	Collins	Dorgan
Durbin	Kohl	Pryor
Feingold	Landrieu	Reed
Feinstein	Lautenberg	Reid
Graham (FL)	Leahy	Rockefeller
Harkin	Levin	Sarbanes
Inouye	Lincoln	Schumer
Jeffords	Mikulski	Snowe
Johnson	Murray	Stabenow
Kennedy	Nelson (FL)	Wyden

NAYS—47

Alexander	Dole	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner
DeWine	McConnell	

NOT VOTING—8

Carper	Hollings	Lott
Domenici	Kerry	Nelson (NE)
Edwards	Lieberman	

The amendment (No. 1977) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2047

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the motion to waive the Budget Act with respect to amendment No. 2047 by the Senator from Illinois.

Mr. MCCONNELL. Mr. President, more than enough has already been said about this budget point of order. We have had this vote at least three different times this year. I hope the budget point of order will be sustained.

Mr. DURBIN. With this amendment, we raise the spending to fight the war on global AIDS, tuberculosis, and malaria to the level that the Senate promised in its own authorization bill, a level that 78 of us voted for on a bipartisan basis.

We know this is the greatest moral challenge of our time. This is our chance to keep our promise to the world to make certain that America's compassionate leadership is meaningful to people around the world.

I ask my colleagues, please, look beyond the Budget Act. Look to the fact that we have a challenge here that is worthy of our vote at this time. I hope you will support this amendment.

I reserve the remainder of my time.

Mr. MCCONNELL. I yield the remaining time to the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, the DeWine amendment accomplished everything that is absolutely necessary to fight global AIDS at this time. It is $2 billion. The authorization stipulated fully funding the authorization of $2 billion and $400 million to match the $800 million that had been pledged by the international community. As meeting with the authorization, $1 of American for $2 of international. The $2.4

billion, which is in the bill, fully funds our AIDS commitment on the authorization and overfunds what the President requested by $400 million.

Mr. DURBIN. My friends, the authorized level is $3 billion. It is not $2 billion. The $2.4 billion we have reached with the Mike DeWine amendment still leaves us short $589 million. That is the difference this amendment makes.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 2047 of the Senator from Illinois. The yeas and nays have been ordered. This is a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 50, as follows:

[Rollcall Vote No. 431 Leg.]

YEAS—42

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Clinton	Johnson	Rockefeller
Collins	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden

NAYS—50

Alexander	DeWine	Miller
Allard	Dole	Murkowski
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Conrad	Kyl	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
Crapo	McConnell	

NOT VOTING—8

Carper	Hollings	Lott
Domenici	Kerry	Nelson (NE)
Edwards	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. FRIST. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, for the information of all Senators, this will be the last rollcall vote tonight. Final passage will be on a voice vote. There will be no votes tomorrow. Earlier tonight, we had two unanimous consent agreements. We will say more about Monday's schedule a little bit later, but the plans are to have at least one rollcall vote Monday. It will be around 5:30 or so. That will be on the interior conference report.

AMENDMENT NO. 2048

The PRESIDING OFFICER. There is now a period for 2 minutes of debate equally divided on amendment No. 2048 offered by the Senator from New Mexico.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Very briefly, this amendment would take $200 million out of the President's Millennium Challenge Account and add it to AIDS funding. We have already had a significant amount of debate about AIDS funding. I think we have made a decision on that.

This amendment, I hope, will be opposed.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, first, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, in the bill before us, we have $200 million for the Millennium Challenge Account that the administration says they cannot spend in 2004. They do not plan to spend it. They did not request it.

The House gave the administration $800 million for the Millennium Challenge Account. We are giving them $1 billion.

My amendment would say let's give them the same amount the House is proposing to give them, the $800 million, and let's take that extra $200 million and use that in the fight against HIV/AIDS. It is a much better use of the funds than just putting it in an account for possible use in 2005.

I urge the adoption of the amendment.

Mr. DASCHLE. Mr. President, I rise in strong support of the Bingaman amendment, which would transfer $200 million dollars from the Millennium Challenge Account into programs designed to help us fight our struggle against the spread of HIV/AIDS.

I commend my friend and colleague from New Mexico for his leadership on this critical issue. Along with several of our colleagues, the Senator from New Mexico and I traveled to South Africa, Botswana, Kenya, and Nigeria to look at this heart-wrenching challenge. And I believe his amendment is an important step toward relieving the intense suffering we saw on that trip.

Let me say, too, that I support the Millennium Challenge Account. With the crushing poverty affecting nearly a third of the world's citizens, the MCA is clearly an idea whose time has come. I support it, and that is why I worked hard to ensure that this foreign operations bill contains the legislation to create that important program.

But the bill also includes $200 million more than the President has requested and $200 million more than his Secretary of State has said he can use this year. So rather than have that money sit unused—in the face of the gravest public health crisis the world has ever known—we propose to put that money to use immediately to confront HIV/AIDs.

Less than 4 months ago, the President signed into law a bill authorizing his administration to spend $3 billion a year for the next 5 years on a comprehensive program to combat AIDS.

Congress passed this legislation in response to the President's call for action in his State of the Union Address. Unfortunately, President Bush's own budget request has fallen fall short of his promises, seeking just under $2 billion, more than $1 billion less than what he is authorized to spend.

Nearly 30 million people in sub-Saharan Africa are currently living with the AIDS virus, and the President's emergency plan for AIDS will begin to help those countries that are worst hit.

But the reason we need to invest this additional $200 million—on top of the $289 million we just agreed to—is because the President's emergency plan focuses only on Africa and the Caribbean.

Take one country not addressed in the President's emergency plan. At the end of 2002, over 4.5 million Indians were infected with HIV, making India the nation with the second-highest population of AIDS patients in the world behind South Africa. Experts there warn that the disease has spread from high-risk populations in urban areas into rural India.

As a result, the infection rate will dramatically increase, in much the same pattern it followed in sub-Saharan Africa. A recent United States National Intelligence Council report predicted that India could have 25 million of its citizens infected with HIV/AIDS by the year 2010—less than 7 years from

now. Such an incidence of this disease would mean that India will have nearly as many people living with the AIDS virus as the entire sub-Saharan African region does today.

But our investments to fight HIV in India at the moment are less than $40 million per year. By continuing that trend line, we are in effect requiring even more expensive investments within a decade.

I urge my colleagues to support the Bingaman amendment, which follows the recommendation of President Bush regarding the amount of money needed for the Millennium Challenge Account, and devotes the additional resources to a problem that demands our immediate attention.

Mr. BINGAMAN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

All time has now expired. The question is on agreeing to amendment No. 2048 offered by the Senator from New Mexico. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The result was announced—yeas 41, nays 51, as follows:

[Rollcall Vote No. 432 Leg.]

YEAS—41

Akaka	Dorgan	Levin
Baucus	Durbin	Lincoln
Bayh	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	

NAYS—51

Alexander	Campbell	DeWine
Allard	Chafee	Dole
Allen	Chambliss	Ensign
Bennett	Cochran	Enzi
Biden	Coleman	Fitzgerald
Bond	Collins	Frist
Brownback	Cornyn	Graham (SC)
Bunning	Craig	Grassley
Burns	Crapo	Gregg
Hagel	Miller	Snowe
Hatch	Murkowski	Specter
Hutchison	Nickles	Stevens
Inhofe	Roberts	Sununu
Kyl	Santorum	Talent
Lugar	Sessions	Thomas
McCain	Shelby	Voinovich
McConnell	Smith	Warner

NOT VOTING—8

Carper	Hollings	Lott
Domenici	Kerry	Nelson (NE)
Edwards	Lieberman	

The amendment (No. 2048) was rejected.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that Senator LEAHY be listed as a cosponsor of amendment No. 2047.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

AMENDMENT NO. 2049

Mr. MCCONNELL. Mr. President, I have a technical amendment, which includes language by Senators ALLARD and FEINGOLD to strike amendments Nos. 1995 and 2004, previously adopted, and another technical amendment by Senator SANTORUM. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2049.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Senate Amendment 1968, strike the following:

On page 18, line 10, after ''Jordan'' insert the following:

, which sum shall be disbursed within 30 days of enactment of this Act.

Strike amendments 1995 and 2004 to H.R. 2800, which were adopted by unanimous consent on October 28, 2003.

At the appropriate place in the bill, insert the following:

INTERNATIONAL MILITARY TRAINING ASSISTANCE FOR INDONESIA

SEC. . (a) Subject to subsection (b), none of the funds appropriated under the heading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' shall be made available for Indonesia, except that such prohibition shall not apply to expanded military education and training.

(b) The President may waive the application of subsection (a) if the President determines that important national security interests of the United States justify such a waiver and the President submits notice of such a waiver and justification to the Committees on Appropriations in accordance with the regular notification procedures of such Committees.

(c) Respect of the Indonesian military for human rights and the normalization of the military relationship between the United States and Indonesia is in the interests of both countries. The normalization process cannot begin until the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesian armed forces with respect to its investigation into the August 31, 2002, murders of two American citizens and one Indonesian citizen in Timika, Indonesia, and the individuals responsible for those murders have been prosecuted and appropriately punished.

SEC. . TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)) is amended by striking ''subparagraph (A)'' and inserting ''clause (i)''.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2049) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2023, AS MODIFIED

Mr. MCCONNELL. Mr. President, I send a modification to amendment No. 2023, offered by Senator KENNEDY, to the desk.

I understand the amendment has already been agreed to.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2023), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____. Beginning not later than 60 days after the date of enactment of this Act, the Coordinator should make publicly available (including through posting on Internet web sites maintained by the Coordinator) prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, diagnostic and monitoring tests, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing counties—

(1) through the use of funds appropriated under this Act; and

(2) to the extent available, by—

(A) the World Health Organization; and

(B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

AMENDMENT NO. 2050

Mr. MCCONNELL. Mr. President, I send an amendment to the desk by Senator STEVENS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. STEVENS, proposes an amendment numbered 2050.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance for democracy programs in Russia)

On page 27, line 4 after the colon, insert the following:

Provided further, That of the funds appropriated under this heading, $500,000 shall be made available to support democracy building programs in Russia through the Sakharov Archives:

Mr. MCCONNELL. I understand there is no opposition.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2050) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1970

Mr. MCCONNELL. Mr. President, I call up amendment No. 1970 on behalf of myself, Senator LEAHY, and Senator MCCAIN. The amendment is pending.

The PRESIDING OFFICER. That amendment has already been offered.

Mr. MCCONNELL. It is pending but not adopted. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1970) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CLEAN ENERGY TECHNOLOGY EXPORTS INITIATIVE

Mr. BYRD. Mr. President, I have long had an interest in helping to open international energy technology markets and in expanding the export of a range of U.S. clean energy technologies. In October 2002, the Bush administration, at my urging, released a nine-agency plan called the Clean Energy Technology Exports, CETE, Initiative which is intended to carry out such an effort. The participating agencies whose budgets are covered in this bill include U.S. Agency for International Development, USAID, the Export-Import Bank, ExIm, Overseas Private Investment Corporation, OPIC, and the Trade and Development Agency, TDA.

To help coordinate and facilitate that work, funds have been included in the Fiscal Year 2004 Energy and Water bill to establish an interagency center to be located at the Department of Energy in order to increase U.S. efforts abroad and encourage greater public/private partnerships for such projects. It is also important that other agencies with responsibility for foreign assistance and export promotion participate in this initiative.

I hope that the managers of this bill will work with me in conference to include language in the Statement of Managers to strongly urge USAID, ExIm, OPIC, and TDA to participate actively in the CETE Initiative. I want to be sure that these agencies contribute to the center's work, with funds in their existing budgets, to promote U.S. clean energy technologies in developing countries where the demand for energy is increasing dramatically.

Mr. MCCONNELL. I am aware of the interest of the ranking member of the Appropriations Committee, the senior Senator from West Virginia, in promoting the export of clean energy technologies, and appreciate knowing about his efforts to establish a center at the Department of Energy for this purpose.

Mr. LEAHY. I also appreciate what my friend Senator BYRD has said, and I will gladly work with him in conference in support of the language he seeks in the Statement of Managers.

GLOBAL TB DRUG FACILITY

Mrs. BOXER. I would like to thank the Senator from Vermont for his outstanding leadership on this bill and especially for his leadership on infectious disease issues. As my colleague well knows, tuberculosis is the greatest curable infectious killer on the planet. TB is also the number one killer of people with HIV/AIDS and the biggest killer of young women.

We must support the highest possible funding level for global TB programs, especially as we scale up AIDS efforts, and we must ensure that these monies have maximum impact—curing as many people of TB as possible. Ensuring access to drugs is a key component in curing TB.

Mr. LEAHY. I agree with my colleague. When countries do not have access to TB drugs, people die needlessly and when TB treatment is interrupted, this leads to the development of more deadly multi-drug resistant TB—which can cost hundreds of thousands of dollars to treat each infected person in the United States.

Mrs. BOXER. To address this issue, the Global TB Drug Facility, which is part of the Stop TB Partnership at the World Health Organization, is a remarkably successful international mechanism that is effectively providing access to high-quality anti-TB drugs in the world's poor nations. The Global TB Drug Facility procures drugs at low cost through a competitive bidding process, distributes drugs to qualified grantees, and works with Stop TB partners to ensure monitoring and evaluation.

In operation just 2 years, the Global TB Drug Facility has reduced the price of anti-TB drugs to just $10 for a full six to eight month course of treatment, and has approved grants to over 40 countries.

The Global TB Drug Facility, GDF is so successful that the World Health Organization is using it as a model for providing anti-retroviral drugs and diagnostics in its campaign to reach 3 million people with anti-retrovirals by 2005.

Yet, despite its immense effectiveness, the GDF is facing a severe funding crisis. It does not have funding to meet existing commitments next year or to make any new grants for drug purchases. It needs $50 million next year and a minimum of $25 million just to meet existing commitments for 2004. If it does not get its minimum funding, at least 1.8 million TB patients will be put at serious risk and many will die, and we will be interrupting supplies of drugs—creating the perfect conditions to develop a dangerous drug resistant strain of the disease.

H.R. 1298, The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, which was passed by the Senate and signed into law by the President, calls for ''substantially increased funding for the Global Tuberculosis Drug Facility.''

The United States provided only $2 million to the GDF in 2002 and just $3 million in 2003. As a crucial part of our global TB effort, the United States should significantly increase our support for the Global TB Drug Facility in 2004. For example, $15 million provided to the TB Drug Facility could provide TB drugs to treat over 1 million people.

INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT

Mr. MCCONNELL. Mr. President, I see the Senators from Virginia and Vermont on the floor, and am wondering if they could provide some additional information on their amendment concerning enforcement of intellectual property laws.

Mr. ALLEN. I thank the Senator from Kentucky. The Allen-Leahy amendment provides $5 million under the ''International Narcotics and Law Enforcement'' account to improve enforcement of intellectual property laws to combat piracy in developing countries. This is a very important issue, as it relates directly to our economic viability as a nation.

Mr. LEAHY. I agree with the Senator from Virginia. The lack of enforcement of intellectual property laws is a serious problem. It undermines the rule of law in other nations, and it hurts U.S. economic and cultural interests. Perhaps most importantly, it reduces incentives for Americans to be creative. And, we know that American ingenuity is a major reason that the United States is the Nation it is today.

This amendment will help address some of these problems. It will also help developing nations comply with the WTO agreement on Trade-Related Aspects of Intellectual Property Rights, TRIPS, and other intellectual property agreements, which is very important.

Some of these nations have problems meeting the most basic needs of their people, and it is safe to say that this assistance could be the difference between the enforcement of these laws or piracy continuing unabated.

Mr. MCCONNELL. I thank my good friend from Vermont. I agree with what has been said on this by the Senators from Virginia and Vermont. I think this is a good idea, and would like to

ask, for clarification purposes, a question of the Senator form Virginia. How would this money be spent and what type of assistance would be provided by these funds?

Mr. ALLEN. This amendment allows the administration to be extremely flexible in finding an approach. It could involve training, equipment, or a range of other measures.

I do not want to micro-manage this process. I want to leave this in the hands of those in the administration with expertise on this issue. I would defer, in large measure, to State Department officials, especially those posted overseas who are dealing with the problem on a daily basis, to come up with a workable strategy.

However, I do believe that this is a problem that requires a coherent plan and a coordinated approach by the United States Government. And, I believe that the State Department, in close consultation with the United States Trade Representative, USTR, and the Department of Commerce, should formulate a detailed strategy for the use of these funds before they are obligated.

Other agencies, such as the Patent and Trademark Office, the Department of Homeland Security, the Department of Justice, and the Library of Congress, have expertise on this issue. They can be extremely helpful in implementing these programs, especially with respect to training individuals from developing nations.

Mr. MCCONNELL. This sounds like a very reasonable approach.

Mr. LEAHY. I agree.

Mr. REID. Mr. President, I want to thank my colleagues, especially Senator LEAHY, Senator MCCONNELL, and Senator DASCHLE, for supporting an amendment that was cleared. The amendment will help one of our closest neighbors—the country of Mexico.

We recently approved billions of dollars to begin rebuilding the nation of Iraq and to maintain order in Afghanistan. We approved this aid not only so the people of Iraq and Afghanistan can enjoy the benefits of a free and democratic society; we also approved it because we know it's in our interest to create a stable situation in those countries.

The same thing goes for our southern neighbor, with whom we share a 2,000 mile border, and where economic conditions are particularly bad right now.

Desperate people take desperate measures, and many people in Mexico are desperate. A few years ago, Mexico seemed on the verge of an economic breakthrough. But today, Mexico's growth rate is half what it was in the 1990s. More than half of all Mexicans—over 50 million people—have an annual income of less than about $1,400. Almost one-fourth of all Mexicans have an annual income of about $720—less than $2 per day.

There is little hope for these people in the Mexican countryside, where coffee prices have plummeted and where homes and land values are falling because of a badly broken system of private property ownership. So these desperate people take desperate measures. Maybe they flee to Mexico City—but there isn't much hope there either. Most refugees from the country side wind up in crowded shantytowns, breathing foul air, and living in filth. Maybe they remain on the land, but instead of raising coffee, many turn to illegal crop production, which facilitates a dangerous trade in drugs that poisons our own cities. Perhaps they will put their lives in the hands of unscrupulous ''coyotes'' who promise to lead them across the desert to the land of plenty. If they don't die trying, they reach the United States, where they place an added burden on our security officials and social services.

I do not condone illegal immigration. But I understand that desperate people do desperate things, and that desperate conditions in Mexico affect the United States.

This amendment extends a helping hand to our neighbor. It provides $10 million for micro credit lending, small business and entrepreneurial development, aid to small farms and farmers, many who have been affected by the collapse of coffee prices, and it calls for programs to support Mexico's private property ownership system, which is in dire need for repair.

The money appropriated pursuant to this amendment won't solve these problems overnight, but we have to start somewhere. Our neighbor needs help, and we can't turn a blind eye.

This is not a handout. It is a commitment to free market-based programs that will spur long-term development and growth in the rural areas of Mexico. By extending a hand to our neighbor, we are also keeping our own Nation strong and secure. I again want to thank my colleagues for supporting this measure.

Mr. MCCONNELL. Mr. President, we all understand and appreciate the importance of information technology. Many of us now regularly use our ''blackberries'' to communicate with each other and staff on the workings of this body. I want to take a moment to highlight the efforts and vision of Voice for Humanity to utilize information technology—specifically audio digital technology—to maximize the effectiveness of HIV/AIDS awareness and other important development issues abroad.

Using low-cost digital tools, Voice for Humanity proposes to convey HIV/AIDS awareness, prevention, treatment, and medical training among nonliterate and oral communicating populations in developing countries. The devices, which fit into the palm of your hand, can provide standardized information to any one group or individual in any language. And the best part is, information can be regularly updated and changed using regular FM radio technology.

The applications of this technology are endless. During elections, this technology can provide critical information to remote parts of a developing country on the basic tenants of democracy and election rules and regulations. Anyone who has observed elections in a transitioning country knows that confusion over process on election day—by voters and poll workers—is not extraordinary. This technology ensures that everyone has the same information, in the same language, at the same time.

I will have more to say on Voice for Humanity at a later date. I intend to include language in the statement of managers accompanying the fiscal year 2004 Foreign Operations Appropriations bill ensuring support for pilot projects.

Lastly, Mr. President, last night the conferees to the emergency supplemental included $100 million for economic assistance for Jordan. This action was strongly supported by the Foreign Operations Subcommittee, and is intended to be in addition to funds made available for Jordan in the fiscal year 2004 Foreign Operations bill.

My friend from Vermont and I wanted to provide Jordan with early disbursal of funds in the pending bill because we have long recognized how good and trusted an ally we have in that country. I was just in Amman—a little over 3 weeks ago—and was again impressed by the solid relationship the United States enjoys with the Hashemite Kingdom.

The inclusion of an additional $100 million for Jordan sends the right message at the right time and provides well earned support for ongoing reforms in Jordan. The technical amendment the ranking member and I offer strikes an earlier one that provided funds for Jordan on an accelerated basis—instead, Jordan's total allocation for economic assistance in fiscal year 2004 will include the budget request for $250 million, and an additional $100 million in the supplemental.

Mr. MCCONNELL. Mr. President, in conclusion, I thank Senator LEAHY and his very capable staff, Tim Rieser and Mark Lippert, and, of course, Chairman STEVENS and his able staff director, Jim Morhard, for his continued support of the subcommittee, and particularly for the additional global HIV/AIDS program allocation.

I also thank USAID counsel Bob Lester who puts in long hours working alongside the subcommittee putting these bills together. I thank Brendon Wheeler and my assistant, Robert Karem, who accompanied me on a recent trip to Iraq and Afghanistan, and Paul Grove, chief counsel of the subcommittee. He has been with me off and on for a number of years. He has done a spectacular job. He had to balance both the emergency supplemental conference downstairs and the foreign operations bill upstairs and chronic sleep deprivation at the same time, and he did all that with admirable poise and remarkable intellectual ability. I appreciate his very fine work.

The PRESIDING OFFICER. If there is no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The bill (H.R. 2800), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer appointed Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, Mr. DEWINE, Mr. STEVENS, Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOLDEN GAVEL AWARD

Mr. FRIST. Mr. President, the Golden Gavel has long served the Senate to mark a Senator's 100th presiding hour and continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the United States Senate, a very important duty. On the evening of Friday, October 17th, Senator JOHN SUNUNU reached his 100th hour of presiding. As a Presiding Officer, his dedication and dependability are to be commended. I am truly grateful for his willingness to preside as scheduling conflicts arise especially on the not-so-popular Fridays and Mondays. He and his enthusiastic scheduling staff make every effort to do their part to carry their share of the presiding load with a smile. It is with sincere appreciation that I announce the second recipient of the golden gavel award for the 108th Congress, Senator JOHN SUNUNU.

TRIBUTE TO E. LINWOOD ''TIP'' TIPTON

Mr. MCCONNELL. Mr. President, I rise today to honor my friend E. Linwood Tipton. Tip, as he is known by friends, will have devoted 38 years of his life to the dairy industry upon his retirement later this year.

Growing up on his family's farm in Missouri, Tip's interest in agriculture developed at a young age. He attended the University of Missouri where he earned a bachelor's degree in Agriculture and a master's degree in Economics. After serving his country as an officer in the U.S. Army Finance Corp, Tip returned to the dairy industry where his talent and leadership were recognized and he quickly advanced.

In 1987, Tip was appointed president and CEO of the Milk Industry Foundation and the International Ice Cream Manufacturers Association. Under his direction, the International Dairy Show began in 1988 and evolved into the Worldwide Food Expo, an event that currently features over 1,000 exhibitors from 150 different countries. He also created Dairy Forum, a major annual conference for dairy producers and processors. In 1990, he rallied the milk industry to form the International Dairy Foods Association, IDFA, an organization that encompasses the Milk Industry Foundation, the National Cheese Institute, and the International Ice Cream Association. Tip's innovative ideas and strong leadership have stimulated the growth of IDFA. Tip led the way in the creation of the extremely successful ''Milk Mustache'' and ''Got Milk?'' marketing campaigns.

His knowledge of the dairy industry and the economy has encouraged Secretaries of Agriculture and U.S. Trade Representatives of both political parties to seek his counsel. In 1984, President Reagan appointed Tip to the National Commission on Agricultural Trade and Export Policy. He has been active on Capitol Hill by testifying numerous times before congressional committees and initiating the annual Capitol Hill Ice Cream Party.

Nondairy organizations have also benefited from Tip's leadership. He founded the International Sweetener Colloquium so sugar and sweetener-using industries could assemble and discuss sugar policy. Tip is a past president and chairman of the board of the National Economists Club and the National Economic Education Foundation. He also has been active in the D.C. community by serving on the ''Main Street'' restoration project's board of directors.

Tip is truly a visionary in the dairy industry. From regulating dairy food retail packaging to implementing marketing campaigns, he has delved into every aspect of the dairy business. Tip's leadership should be commended and, therefore, I ask each of my colleagues to join me in honoring this remarkable man's dedication to the food industry, his community, and his Nation.

TRIBUTE TO BILL AND MEREDITH SCHROEDER

Mr. MCCONNELL. Mr. President, I pay special tribute to two individuals whose foresight inspired a mecca in America's Heartland. Bill and Meredith Schroeder's interest in quilts has led to an exciting and beneficial business venture for the City of Paducah, KY, and the surrounding area. In 1984, the Schroeder's founded the American Quilter's Society, AQS, after discovering the need for worldwide recognition of the beauty of quilting as an art form and as a statement of our history and society.

The Schroeder's created a multi venue environment to promote the art and craft of quilting. Through the American Quilter's Society, they established a membership organization with participants from every U.S. State and territory, as well as from 80 countries. They created the AQS Quilt Show & Contest, the largest cash-juried contest in the world. Held each April in Paducah, KY, now recognized as ''Quilt City USA®'', the annual show brings millions of dollars to the tourism industry of western Kentucky. In 1991, the Museum of the American Quilter's Society opened. The museum has hosted hundreds of thousands of quilters and quilt lovers, and has enjoyed a history of growth and development.

Bill and Meredith Schroeder are extraordinary individuals who had a vision and worked hard to bring it to fruition. In appreciation for the Schroeder's commitment to fostering the respect of the general public for quilts and quilt makers, and for their unselfish desire to develop the economy of western Kentucky, I ask my fellow colleagues to join me in recognizing the outstanding contributions they have made to their community, to Kentucky, and to our Nation.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. EDWARDS. Mr. President, I was not present for the vote on S. 139, the Climate Stewardship Act of 2003. Had I been present, I would have voted ''yea.''●

FOREST FIRE UPDATE

Mrs. FEINSTEIN. Mr. President, I rise today to give the Senate an update on the wildfires sweeping across Southern California—as the Senate continues to debate legislation to change our Nation's forest policy.

The situation in my State is at a critical juncture. If the weather continues to improve—as it is expected—then firefighters may be able to get a handle on the fires which continue to burn. This would be good news indeed.

I would also like to report that FEMA will shortly be announcing 6

permanent field sites where victims of the fire can go for assistance and 4 additional mobile sites.

It is critical that the FEMA centers get opened as soon as possible—so that the help gets where it is needed most.

There are nine large fires currently raging in the State—all of which have caused considerable damage.

In total, these fires have burned over 650,000 acres—about the size of Rhode Island. Twenty people have been killed. This includes a firefighter from Marin County who was killed by a fast moving wall of fire associated with the Cedar fire. Twenty-four hundred homes have been lost in five counties, and thousands more structures have been burned.

There are some 13,000 firefighters waging a battle against the fires. True to form, these firefighters have given everything they have to put out the fires and are exhausted.

Our thoughts and our prayers go out to these men and women—and to the family of the firefighter who died—we know that these firefighters are doing everything possible to save lives, homes, and private property.

Let me now go through some of the fires to let you know what is happening.

The Cedar Fire in San Diego has become the largest wildfire in California history. It has burned 250,000 acres—and 6 days old, it is only 15 percent contained. Thus far, 22 injuries have been reported as a result of this fire, and 7 civilian fatalities confirmed by the San Diego Sheriff's Department. Additionally, 1,300 Structures have been destroyed.

The fire has destroyed 90 percent of the town of Cuyamaca, and today, it threatens the communities of Pine Hills, Mt. Laguna, Ramona and Julian. Plans to aggressively protect the historic town of Julian are in place. Overnight, 300 structures were destroyed in Cuyamaca and Harrison.

The Old Fire in San Bernardino is also burning out of control and continues to pose a major threat to Lake Arrowhead, Big Bear, and other mountain communities. This fire also began 6 days ago. It has consumed 60,000 acres thus far and is only 10 percent contained.

Massive resources have been expended to fight this fire, including 2,175 firefighters, 10 helicopters, 40 fire crews, 280 engines, and 7 air tankers.

There have been three injuries to date and two civilian deaths. Conservative estimates suggest that 550 residential structures and 10 commercial structures have been destroyed. But this is just the tip of the iceberg.

There are 50,000–60,000 homes and 2,000 commercial properties in the area threatened by this fire. More than 50,000 people have been evacuated from communities like Lake Arrowhead and Big Bear. Firefighters are doing what they can to protect these communities from going up in flames, but this is difficult because of the thousands of trees killed by the Bark Beetle, which have become kindling in this fire.

The Grand Prix fires also continues to rage in San Bernardino, near the community of Fontana. This fire has consumed 70,000 acres, destroyed 60 residences and 60 other structures, and has resulted in 27 injuries. This fire began 10 days ago, and is 40 percent contained. Today, 1,600 firefighters, 12 helicopters, 42 fire crews, 159 engines, and 30 bull dozers are committed to this fire.

It is hoped that weather conditions will allow firefighters to get better control of this fire today.

Moving North, the Simi fire threatens the community of Stevenson Ranch. The good news with this fire is that it did not move into the canyons and cut a path toward Malibu. But when the wind shifted, the fire turned toward a sub-development on the northern end of Los Angeles County.

This fire has consumed 105,560 acres and destroyed 16 structures and 64 other buildings. Thus far, there have been 5 injuries as a result of this fire, and the fire is only 35 percent contained.

Now, firefighters are trying to keep this fire away from homes and have thus far been successful. Today is a critical day for this fire. Cooler temperatures may allow a fire line to be completed along Potero Canyon, and this would go a long way toward bringing this fire under control.

Like the other fires, massive resources have been deployed to fight this fire, including: 1,389 firefighters, 9 helicopters, 236 engines, 6 air tankers, and 27 bulldozers.

The Piru fire continues to burn in Ventura county, near the community of Fillmore.

Thus far, 62,000 acres have been consumed, and the fire is only 30 percent contained.

The fire began a week ago, has caused 20 injures and destoyed 8 structures.

But this fire remains dangerous. The fire is moving towards fuel-laden areas in the Los Padres National Forest, and we have to watch this one closely.

The Padua fire—near Claremont, CA—is smaller than the other ones, but it has caused considerable damage nonetheless.

Latest reports show that it has burned almost 10,000 acres, and the good news is that it is 50 percent contained.

This fire has caused 15 injuries, destroyed 59 structures, and threatens 500 homes in the community of Mt. Baldy.

The resources directed at this fire include 691 firefighters, 17 fire crews, 80 engines, and 4 bulldozers.

Some good news from the Whitmore fire, near Shasta, CA.

This fire which has burned approximately 1,000 acres is 80 percent contained. There have been no injuries as a result of this fire, and it is expected to be contained today.

It is my great hope that this happens.

Good news also with the Tuk Fire, 10 miles east of Orick, CA, south of Crescent City.

This fire has burned only 315 acres and is 80 percent contained. Officals are hoping that this fire will be fully contained today as well.

The mountain fire, which burned just under 10,000 acres in Riverside, CA, has been 100 percent contained.

Fire officials will continue to complete burnout operation in near the fire edge, and pending favorable weather, should be completed soon.

This fire was serious—it caused 6 injuries and 61 structures.

Fire crews and equipment are coming in from other States. The governor of New Mexico has offered equipment, and I understand that other States have offered help as well.

As crews become weary and fatigued, it will be increasingly important to get reinforcements from other States—and I will do what I can to make sure this happens.

In terms of victim assistance, help is on its way. As I mentioned, FEMA will be establishing four permanent centers in affected communities, and four mobile centers.

Additionally, if any Californian needs help, they can call my San Diego or Los Angeles office, and we will do anything we can to ensure that they get the appropriate assistance.

This is a terrible time for Californians, but in times of crisis, people pull together and do what they can to help one another.

It is my hope that these fires can be quickly contained—with limited casualties and loss of property.

This event has truly been a wake up call, and I hope that we learn how critical it is to manage our lands, to ensure that catastrophic fires like these can be prevented.

BREAST CANCER AWARENESS MONTH

Ms. COLLINS. Mr. President, October is National Breast Cancer Awareness Month, and, as the month is coming to an end, it is appropriate that we take some time to celebrate the progress we have made against this devastating disease and, at the same time, acknowledge how much further we have to go.

Breast cancer has taken a tremendous toll on far too many Americans and their families. There are very few people in this country who haven't lost a family member, friend or coworker to this cancer. More than 200,000 women will be diagnosed with breast cancer this year alone, and, regrettably, about 40,000 of those diagnosed will die from the disease. Across the country, one woman in eight will develop breast cancer at some point during her life. While we have made great progress, we must continue to work to find new and more effective ways of preventing, detecting and treating breast cancer.

Astoundingly, of the 3 million American women who are living with breast

cancer, an estimated 1 million don't know it. Regular screenings and early detection remain the most effective ways to combat breast cancer and improve a woman's chances for successful treatment and survival. It is therefore critical that we take steps to make early detection more common.

For this reason, I am a strong supporter of the Centers for Disease Control and Prevention's National Breast and Cervical Cancer Early Detection Program, which has provided important cancer screening services at low or no cost to more than three million low-income American women who otherwise might not have been able to afford these critically important tests. The Maine Breast and Cervical Health program is funded through this program and provides screening and diagnostic services at 300 sites across the State. Since its inception, more than 20,500 screenings have been conducted through this program in Maine, and 151 cases of breast cancer have been diagnosed. As one Maine woman observed, ''This screening program was an answered prayer. I had been concerned about having to skip checkups lately, but there was no way to come up with the money any time soon. I will gladly tell all of my friends about this and will gladly return for follow-up.''

Screening must be coupled with treatment if it is to save lives, and that is why I also cosponsored legislation to provide the treatment necessary to save the lives of the women who are diagnosed with cancer through this program. Since the screening program is targeted to low-income women, many of those screened do not have health insurance and many more are under-insured. The Breast and Cervical Cancer Treatment Act, which has been signed into law, gives states the option of providing treatment through the Medicaid program for woman diagnosed with breast or cervical cancer through this screening program. I am pleased to say that Maine is one of 45 states that have elected to take advantage of this option.

Promising research is leading to major breakthroughs in preventing, treating and curing breast cancer. There simply is no investment that promises greater returns for Americans than our investment in research, and I have been a strong proponent of congressional efforts to double our investment in biomedical research over five years. Last year, the National Institutes of Health spent $640 billion on breast cancer research. This year that figure grew to nearly $700 million.

I was also pleased to join my colleague from California, Senator FEINSTEIN, in introducing the National Cancer Act of 2003, which sets out a comprehensive national plan to combat cancer, with substantial and regular increases in the National Cancer Institute's budget. The legislation also includes important provisions to increase access to cancer screening, clinical trials, cancer drugs, and high quality cancer care. I am hopeful that continued funding increases will allow us to accelerate our efforts to find better treatments, a means of prevention, and ultimately a cure for devastating diseases like breast cancer.

As National Breast Cancer Awareness Month comes to a close, we should celebrate life and the progress we are making in the fight against this disease. With determination and patience, we can limit the terrible impact of the disease and bring hope to millions of women and their families.

In closing, I would like to take a moment to acknowledge the tremendous leadership of the senior Senator from Maine on this issue. Senator SNOWE has been a tireless champion and advocate, and has led the battle against breast cancer, first in the House and now in the Senate, on a number of fronts ranging from increased breast cancer research funding at the National Institutes of Health and Department of Defense to landmark legislation prohibiting discrimination on the basis of genetic information. We should all be grateful for her efforts.

Ms. STABENOW. Mr. President, this week marks the close of National Breast Cancer Awareness Month, and today is a time for many of us to reflect on how cancer has touched virtually every American's life. According to the American Cancer Society, one in two men and one in three women will be diagnosed with cancer. We have made important advances in treating cancer victims, but we are not yet at our ultimate goal of finding a cure.

I am pleased to announce that my alma mater, Michigan State University, is one of the leaders in finding a cure for breast cancer. Michigan State was one of only four institutions nationwide to receive a grant from the National Institute of Environmental Health Sciences and the National Cancer Institute to study the prenatal-to-adult environmental exposures that may predispose a woman to breast cancer.

But this is just a down-payment in ending breast cancer. It is generally believed that the environment plays some role in the development of breast cancer, but the extent of that role is not understood. If we can identify those risks, we can stop the disease. More research needs to be done to determine the impact of the environment on breast cancer, which has been understudied in the past.

To do so, I urge my colleagues to support S.983, the Breast Cancer and Environmental Research Act, to ensure that this research continues. This legislation would create a new mechanism for environmental health research and provide a unique process by which centers are selected. Modeled after the Defense Department's Breast Cancer Research Program, which has been so successful, it would also include consumer advocates in the peer review and programmatic review process.

It would be amazing if the research about to be conducted at Michigan State led to a cure for breast cancer. But that dream can only happen if scientists, doctors, and others have the right resources. Let's continue to fight the war against cancer.

Ms. MIKULSKI. Mr. President, this week marks the close of National Breast Cancer Awareness Month. During the month of October, dedicated advocates, breast cancer survivors, and health professionals commemorate the tremendous progress we have made in the fight against breast cancer, as well as raise awareness about the progress we hope to make in the future.

In the last 10 years, we have accomplished many things. We have increased funding for breast cancer research by 700 percent, passed the Breast Cancer Research Stamp Act, which has raised more than $30 million, and made sure that Medicare and Medicaid are required to cover mammograms. We have accomplished a lot, but we must continue to fight.

Breast cancer is second only to lung cancer in cancer deaths among women. An estimated 211,300 new invasive cases of breast cancer are expected to occur among women in the United States during 2003. An estimated 39,800 women will die from breast cancer. While incidence among men is rare, we know that 400 men will also lose their lives this year to breast cancer, an area in which we still have much to learn.

I wrote the Mammography Quality Standards Act more than 10 years ago to save women's lives. Before MQSA became law, there were no national quality standards. Image quality varied widely and there were no inspections. Now, when women get mammograms, they know the equipment meets Federal safety and quality standards. Currently, I am working to reauthorize this important law before Congress adjourns.

In 1990, I fought for the Breast and Cervical Cancer Screening Program to make sure women without health insurance have access to lifesaving tests like mammograms. Also, I fought for the Breast and Cervical Cancer Treatment Act to help these women get the treatment they need if they are diagnosed with breast or cervical cancer. My colleagues and I on both sides of the aisle have worked together, especially the women Senators and the Galahads of the Senate, like Senators KENNEDY, HARKIN, GRASSLEY, and SPECTER.

For all that we have done, there is still more to do. We need to make sure women have the information they need about the importance of screenings, make sure we have the best tools and best trained doctors for diagnosis and treatment, and make sure uninsured women have access to health care. Also, we must be steadfast on research. I came to the U.S. Senate to change lives and save lives. I will continue to fight to eradicate breast cancer.

Today, I commemorate the progress we have made and look towards the future. I will keep fighting to make sure

women's health is on the agenda, and breast cancer survivors, and the health professionals can make a difference in the lives of thousands of women. Each one of us can make a difference. Together we make change.

Ms. MURKOWSKI. Mr. President, every 3 minutes, a woman somewhere in the United States is diagnosed with breast cancer.

Every 12 minutes, the same disease steals away another person's mother, wife, companion, or friend.

According to the National Cancer Institute, breast cancer is the most common form of cancer among women in the United States, and second only to lung cancer as the leading cause of cancer deaths.

In my home State of Alaska it was predicted that another 300 women this year would hear their doctor tell them ''you have breast cancer''.

I don't personally know the thoughts that run through these women's minds at that moment, but I think the best thing that we can do is to make sure that the next thing that doctor can say is ''you caught it early enough—we can cure it.''

Medical science says that the key to beating this cancer is early detection and early intervention. That's why it's vitally important for women to be aware of this disease.

Women need to be vigilant, and need to follow medical recommendations regarding mammograms and self-exams. We have a number of courageous women in Alaska who fought breast cancer and are sharing their experiences with other women, increasing awareness of the condition.

Alaskan survivors including Carla Williams and world-class dog musher Dee Dee Jonrowe make time in their schedules to come and advocate on behalf of those whose lives have been touched by breast cancer, and they are doing a great job of raising awareness

We must continue this fight to increase awareness not only during October, National Breast Cancer Awareness Month, but year round, and I thank my colleagues for the chance to speak about National Breast Cancer Awareness Month.

Mr. GRAHAM of South Carolina. Mr. President, I rise today to recognize this month as ''National Breast Cancer Awareness Month.'' This special month is meant to bring awareness to the continued prevalence of breast cancer and the importance of using early detection techniques to help reduce the number of women and men who lose their battle against breast cancer each year.

This year it is estimated that more than 200,000 new cases of breast cancer will be diagnosed. Through the use of early detection, many of these cases will be successfully diagnosed and treated before the cancer spreads. However, breast cancer will also claim close to 40,000 victims in this year alone.

To promote early detection of breast cancer, National Mammography Day is celebrated each October as a part of National Breast Cancer Awareness Month. This year, on October 17, many radiologists provided free or discounted mammograms in an effort to encourage more women to take part in this important screening. Mammography is an important tool to help detect breast cancer while it is still highly treatable.

Unfortunately, not all women have easy access to mammograms either because they are uninsured or their health insurance does not cover this service. Further aggravating this issue is the low reimbursement of mammograms by Medicare, and the fact that not enough assistance is available to train and recruit more radiologists to perform this vital screening. I am proud to be an original cosponsor of the Assure Access to Mammography Act of 2003. This legislation increases the Medicare reimbursement for mammograms and helps in the recruitment of radiologists to perform mammograms. I am hopeful that it will be enacted soon.

Hardly a family or group of friends has not been affected by breast cancer in some way. Events such as the annual ''Race for the Cure'' in support of breast cancer prove that there is widespread support for finding further treatment options and cures for this disease. I encourage those who are interested to visit the National Breast Cancer Awareness Month website to learn more at www.nbcam.org.

Mr. SMITH. Mr. President, today I rise to speak about breast cancer prevention, detection, and treatment, a cause I have championed throughout my career as a public servant. I am proud to be a sponsor of many bills to assist the breast cancer community in its fight to treat, prevent, and eventually eradicate this disease.

Like many Americans, my family life has been touched by the tragedy of cancer. The impact of this disease on men and women can not be overestimated. Breast cancer is the leading cancer among American women, second only to lung cancer in cancer deaths.

Each year, more than 200,000 Americans receive a diagnosis of breast cancer and nearly 40,000 die. What we must remember when confronted with these overwhelming numbers, however, is that behind each statistic is a personal story of struggle and courage. I have heard many of these stories. Today, I would like to share the story of one Oregonian fighting to survive her own disease.

Life changed for Janet Romine on August 19, 1999. On that day, this enthusiastic and energetic teacher, wife and daughter reported to her doctor for a regularly-scheduled mammogram. Unlike her previous mammograms, however, a lump was detected that required surgical biopsy. Janet wrote the story of her diagnosis for KGW Northwest News online. In recollecting the wait between surgery and receiving the biopsy results, Janet wrote: ''After the surgery, deep in my soul I knew this was not a simple little lump. I felt violated, depressed and dark as I waited for the phone call.''

In that call, Janet learned that the lump was malignant and would require surgery for its removal and 7 weeks of radiation and drug therapy. Yet, just three days after her diagnosis, Janet participated in the Komen Foundation Race for the Cure in Portland, OR. Janet's friends and teaching colleagues walked the race by her side, having added Janet's name to their banners.

Janet describes her cancer diagnosis as a beginning, and not an ending. Like the thousands of women who were diagnosed before her and the thousands of women who will follow, Janet's life changed forever.

Sadly, stories of coping and courage are no longer rare. However, there is some good news: the mortality rate from breast cancer has declined 2 percent each year for the last 10 years. It is imperative that we fight to continue this trend by supporting increased funding for breast cancer research, prevention, detection and treatment programs.

Mr. VOINOVICH. Mr. President, I rise today to talk about awareness and prevention of breast cancer. My wife Janet and I have always made the early prevention and detection of breast cancer a top priority. During my tenure as Governor of Ohio, the State became one of only four States to create an office within my administration devoted solely to women's health issues. The Office of Women's Health continues to address women's health needs such as early prevention and detection of breast cancer and recommends actions such as legislation or policy development.

I am so proud of Janet who is a champion of detection and prevention procedures to combat breast cancer and that as First Lady she was successful in lobbying the Ohio Legislature to designate the third Thursday in October as Ohio Mammography Day. This year was Janet's eleventh year traveling throughout the State on this day to stress the importance of early breast cancer detection.

For all of Janet's work to promote early prevention and screenings for breast cancer, the Ohio Breast and Cervical Cancer Coalition named an annual award after her. Janet continues to present the ''Janet Voinovich Service Award'' to recognize an individual's commitment to improving the quality of life for cancer survivors.

Yet, there is more that needs to be done to find a cure for breast cancer and I have been fighting in the Senate to encourage the National Institutes of Health, NIH, to take advantage of new technology to undertake innovative research in this field.

One research initiative that could give women a critical tool in the prevention of breast cancer is the study of environmental effects on the occurrence of the disease. Some studies have suggested that environmental factors

like diet, pesticides and electromagnetic fields could play a role in the growth of breast cancer. Yet, to date, there have not been enough comprehensive research initiatives to draw conclusions.

For this reason, in the 107th Congress and again this year, I cosponsored the Breast Cancer and Environmental Research Act to create eight centers throughout the Nation to study the link between environmental factors and breast cancer. While we continue to work on this bill in the Senate, I am so pleased that the NIH and the National Institute of Environmental Health Sciences, NIEHS, have taken the first step in creating four centers for this purpose. I was so proud to be at the University of Cincinnati earlier this month to announce that the University along with the Cincinnati Children's Hospital Medical Center had been chosen to receive a NIH grant to establish one of the four centers. The University of Cincinnati and Children's Hospital have a long history of contribution to the quality of life and health in the Greater Cincinnati region and nationwide, and I am encouraged about the work that is being done to determine the factors that cause breast cancer. We must work to make sure that quality research initiatives like this one continue.

That is why I recently joined my colleagues in a letter of support for the reauthorization of the Breast Cancer Research Stamp program. Since 1998, sales of the stamp have generated more than $34 million for breast cancer research at Federal research facilities. In fact, the Breast Cancer Stamp is the most successful semi-postal in history, and I am confident that its reauthorization will continue to help fund lifesaving breast cancer research over the next several years.

Until we find a cure however, Janet and I will continue to do what we can to promote awareness of breast cancer and help ensure that early detection procedures are available to women who need them most.

Mr. WYDEN. Mr. President, the American Cancer Society estimates that in 2003, there will be 2,600 new cases of breast cancer diagnosed among women in Oregon and that 500 women will die of breast cancer in Oregon. October is Breast Cancer Awareness Month, so it is important that we take stock of where we are in preventing, detecting and treating this disease.

All women are at risk of breast cancer, but when this cancer is found in its early stages, the 5-year survival rate approaches 100 percent. Screening exams are especially important because through early detection, women, in partnership with their health care providers, can significantly reduce deaths due to breast cancer.

A recent study published in the Archives of Surgery found that more cases of breast cancer were detected in women taking part in an Oregon breast cancer screening program than in women who were not part of the program. The Oregon Breast Cancer and Cervical Cancer Program began in 1996 and is a statewide screening program for low-income women with little access to medical services. In this study, Oregon Health Sciences University researchers evaluated 15,730 women who had a total of 23,149 mammograms and 20,396 breast exams between January 1, 1997 and December 31, 2001. The study found the screening program had a detection rate of 12.3 breast cancers per 1,000 women, which is greater than rates of other screening programs. The women in this study diagnosed with breast cancer also had a 97-percent rate of compliance with suggested therapies for their cancer.

Working together, many groups have found that they can maximize their resources and develop more effective partnerships to reach health care consumers and providers in Oregon. Despite the excellent job that is being done, we need to continue to foster this activism and continue to find new ways to fund innovations in detection and treatment and to make them accessible to all women.

In Oregon, the American Cancer Society, the Susan G. Komen Breast Cancer Foundation, the Y.W.C.A, and the National Black Leadership Initiative on Cancer, are just a few of the leaders in the community who have worked together and with other organizations to reach out to women in Oregon and their families to improve the health status of women in my home State. I want to thank them for their efforts in helping Oregon families have better information and awareness about this disease as well as helping women as they go through treatment.

I have always been a staunch supporter of Federal funds for breast cancer research, and I will continue to do so. It is gratifying to know we have come so far and to see how we can make progress in fighting this form of cancer.

NOMINATION OF MICHAEL GARCIA

Mr. HATCH. I appreciate Senator COLLINS, Chair of the Governmental Affairs Committee, entering into a colloquy on a matter that concerns the Judiciary Committee. In particular, our colloquy involves the nomination of Michael Garcia to be Assistant Secretary of Homeland Security. Following our statements, I will seek a unanimous consent agreement to refer Mr. Garcia's nomination to the Judiciary Committee.

All committees derive their ''respective jurisdictions'' from Senate Rule XXV, among other sources. As such the Governmental Affairs Committee, in its responsibility for the ''organization and reorganization of the executive branch of the Government,'' played a crucial role in establishing the new Department of Homeland Security. I would like to compliment Senator COLLINS on her leadership and the significant improvements that have resulted in our nation's security since September 11th.

Also, under Senate Rule XXV, the Committee on the Judiciary has jurisdiction over ''Immigration and naturalization.'' It is important for the immigration and naturalization functions which have been transferred from the Department of Justice and other law enforcement agencies to the Department of Homeland Security to remain under the jurisdiction of the Judiciary Committee.

With the formation of three new bureaus for immigration policy in the Department of Homeland Security, countless situations—from day-to-day immigration services and enforcement to long-term border security planning—will arise in which legislation affecting these bureaus and oversight of these bureaus is an essential role of the Judiciary Committee. I appreciate my colleague taking the time to clarify the confirmation process of Mr. Garcia and the commitment to Senate Rules XXV and XXVI, Section 8 as it affects the Judiciary Committee's jurisdiction.

Ms. COLLINS. I appreciate the Senator's comments and I look forward to working with him. I would also like to assure him that I do not believe the Governmental Affairs Committee's jurisdiction affects in any way the Judiciary Committee's jurisdiction over immigration and naturalization matters, as set forth in Senate rule XXV. The Governmental Affairs Committee was responsible for the Homeland Security Act of 2002 which created the new Department of Homeland Security. The committee has conducted wide-ranging and vigorous oversight of the Department and, this year alone, has reported out six bills that address homeland security concerns. In total, the Governmental Affairs Committee has held over 30 hearing on homeland security matters, thus reflecting the paramount role it plays with respect to these matters.

The committee also has handled the nominations of almost all of the Department's nominees. On June 5th of this year, our committee held a hearing on Mr. Garcia's nomination. We reported his nomination to the full Senate on June 17th. We then agreed to a referral of Mr. Garcia's nomination to the Judiciary Committee. I understand that my colleague, the distinguished Chairman of the Judiciary Committee, now seeks a second referral of the nomination in order to complete its work thereon. I have no objection to my colleagues' request.

Mr. HATCH. I thank the Chair of the Governmental Affairs for her comments and efforts on this matter.

IN HONOR OF THE MEMORY OF PAUL WELLSTONE

Mr. FEINGOLD. Mr. President, I would like to take a moment to remember our friend Paul Wellstone, who died a year ago this month. All of us

feel his loss so acutely here in this body. But his voice still echoes in this Chamber, and his spirit and fierce dedication to justice live on. What so many of us loved about Paul was that unparalleled passion he had for doing what was right. That still inspires me today, as it inspires so many others. And it is just one more reason to be thankful to Paul, and to honor his memory.

I think of Paul often as issues come before the Senate about which he cared so deeply. Earlier this month, as we observed Mental Illness Awareness Week, I thought of all Paul did to advocate for mental health parity throughout his time here, and what a vital contribution he made to getting affordable medical treatment to people suffering from mental illnesses. I have been proud to support this issue when it has come to the floor, and last week I joined the entire Democratic caucus in urging the majority leader to take up and pass the Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003. We must ensure that mental illnesses are treated the same way as other physical illnesses by insurers.

Paul also fought to stop U.S. companies that move their headquarters to ''tax haven'' countries to avoid paying U.S. taxes from getting Federal procurement contracts. I am proud to be a part of the effort to move that forward. I also am proud to help carry on Paul's work in the fight for a good public education for every child. Paul believed, as I do, that every child is entitled to a good education no matter his or her circumstances in life. He called this ''equality of opportunity.'' I was proud to work with him on the issue of standardized testing. He and I agreed that over-testing of our public school students is not the cure-all for public education. I hope that my efforts to return authority for decisions about how often to test students to the States and local school districts will, in some small way, build upon Paul's legacy of fighting for a level playing field for all students.

These are just a few of the causes Paul worked on, and just a few of the ways that he lives on in this body, and in the lives of the countless Americans he touched through his lifetime. We can still hear his voice echo in this chamber, urging all of us on to build a more just world. Let us honor Paul's memory by heeding his words, and carrying on the great work of our dear friend.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I will describe one such crime that took place in El Paso, TX. In April 2002, police qualified the murder of Hector Arturo Diaz as a hate crime. Mr. Diaz was shot in the back by an acquaintance, Justen Hall. At the time, Mr. Diaz, a transvestite, was dressed in female clothing.

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. By passing this legislation and changing current law, we can change hearts and minds as well.

10TH ANNIVERSARY OF UNITED STATES HOLOCAUST MUSEUM

Ms. CANTWELL. Mr. President, tomorrow, the United States Holocaust Memorial Museum will mark its 10th anniversary. More than 6,000 Holocaust survivors and family members will visit the museum this weekend to help commemorate the museum's important contributions. Together, these men and women comprise a living legacy of the Shoah. By sharing their memories, these courageous survivors can help ensure that such evil is never again perpetrated against any people, anywhere.

America is a land of immigrants, and our history demonstrates that we are stronger because of our diversity, not in spite of it. But we can only live up to the promise of our diversity if we recognize the inherent rights and freedom of all human life. One of the most powerful ways we can remind each other and our children about the importance of this fundamental principle is to ensure that the Holocaust is never forgotten.

For that reason it is fitting that the Holocaust Memorial Museum is located on the National Mall. Visitors to this cherished landmark can see the Declaration of Independence, the Wright brothers' glider, and some of America's most treasured art; all of them vivid reminders about the capacity of the human spirit and the promise of mankind. Yet it is just as important to teach young people and remind adults about one of the darkest chapters of human history. Although the Holocaust was a terrible tragedy that stained all humanity, it must never be hidden from view.

The Holocaust Memorial Museum plays a special role in teaching our children and grandchildren about this dark chapter in world history. This haunting permanent memorial will ensure that future generations will learn about this tragedy.

Survivors and liberators of the Holocaust have a unique opportunity to share the stories of this awful period. I thank them for having the courage and dignity to survive the horrors of the Holocaust, and for having the bravery to share their experiences with others so that it may never happen again. Their contributions will help all of us build a better America and a better world.

U.S. POLICY TOWARD CUBA

Mr. BAUCUS. Mr. President, I rise today to address an issue of great concern to me—the ban on travel to Cuba.

Last week, the Senate scored an important victory in the fight to bring common sense to U.S. policy toward Cuba. We voted by a wide margin—59 to 36—to suspend enforcement of the travel ban. The House approved the same amendment in September, also by a wide margin.

The wide margin of victory reflects the majority of Americans who want an end to the travel ban.

Over the weekend, editorial writers from a diverse range of newspapers noted and applauded our victory: the Wall Street Journal, the New York Times, the Chicago Tribune, and the Orlando Sentinel-Tribune.

Let me offer just a few quotes: the Chicago Tribune says:

> In an age of very real terrorist threats, Cuba hardly makes the list. For the Department of Homeland Security to redouble its efforts and tie up more money and personnel in enforcing the travel ban against Cuba—as the president proposed two weeks ago—is an incredible waste of resources.

The New York Times points out:

> The proper response to such outrages as the Castro regime's roundup of dissidents and writers earlier this year is to seek to overwhelm the island with American influence.

And the Orlando Sentinel argues:

> The ban on U.S. travel is futile, self-defeating, a waste of scarce resources and inconsistent with other American policies.

These papers spoke out in favor of the Senate's actions because they recognize that the current policy has been a failure and because they know that engagement with Cuba is the best and most effective way to bring democratic change to Cuba.

In my view, the Cuba travel provisions should not even be subject to conference. The House and Senate have passed the same amendment; there is nothing for conferees to discuss.

There are many Members of this body who have worked hard to ease the embargo. Any Treasury-Transportation conference report that does not include the Senate and House-passed language is unacceptable, and we will look at all procedural options to stop this from happening.

That said, I fully expect this amendment to become law. Despite recent incorrect reporting, none of the supporters of this legislation believe that we can't accomplish our goal of lifting the Cuba travel ban.

And I have to say here that I do not believe the President will veto this bill. Of course, the Cuba provisions have overwhelming support, but the appropriations bill itself passed the Senate 90 to 3. The administration knows a veto could be easily overridden.

I do believe that pro-embargo forces see the writing on the wall. Momentum to end the embargo is clearly building. We have had a year filled with success.

Several months ago, Senators ENZI, DORGAN, and I introduced legislation, S. 950, that would permanently lift the travel ban. There are 31 cosponsors of that legislation, and we are adding new cosponsors this week.

The Foreign Relations Committee has committed to vote on that legislation by the end of the year, and I expect the committee to approve it by a large majority.

Recent polls indicate that most Americans oppose the travel ban. In fact, even most Cuban Americans—historically supportive of the embargo—favor lifting the ban.

So the Senate and the House votes are only the latest rebuke of an outdated policy.

Thirteen of the 16 Senate appropriators on the Subcommittee were supportive of the Cuba amendment. And I am confident they will work hard to keep this provision. But I also know they will be under some pressure. I urge them to stand up to those who might try to defy the will of the Congress.

I ask unanimous consent to print in the RECORD the aforementioned editorials.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 27, 2003]

HAVANA CLUB

The Bush Administration, more than most, contains people whose families have paid a personal price for the horror that is Cuban communism. Which is why it's a little unfair, after last week's Senate vote to lift the U.S. travel ban to Cuba, to dismiss the White House objections merely as worry that signing such language would hurt the President's re-election chances in Florida.

Yes, the Cuban-American vote is a big deal, as Bill Clinton recognized when he courted Miami's anti-Castro community and cash in his election runs. And given that the Senate vote approving the lifting of the travel restrictions was less than the two-thirds required to override any veto, we'd be surprised if the White House doesn't make good on its threat. But the tension here reflects what is a genuine argument among conservatives over what is the best way to bring Fidel Castro down.

Otto Reich of the National Security Council staff and Housing Secretary Mel Martinez believe that lifting such restrictions will breathe financial life into a decaying regime. Some of our free market friends in Congress, notably Arizona Republican Jeff Flake, argue that after 40 years of an embargo Fidel is still sitting pretty. So it's time to try something different.

We fall into the latter group, not least because one of the problems with the existing travel ban is that it is applied selectively. Privileged groups of people—academics, journalists, Cuban Americans and left-leaning Christian groups—can and already do travel to Cuba. Jimmy Carter travels there and CNN more or less treats it like a state visit.

But we're also impressed by Oswaldo Paya, leader of Cuba's homegrown answer to Poland's Solidarity movement, who wants to see the U.S. embargo lifted. Mr. Paya points out that the heart of the Cuban crisis isn't the partial embargo the U.S. has imposed on Cuba but is the total embargo Fidel has imposed on his own people: the limits on their speech, their ability to go to church, to run their own enterprises, and so on.

As Mr. Flake has written, Fidel's three most obvious failures are ''breakfast, lunch and dinner.'' The more Americans are able to travel to Cuba, the more will be able to see for themselves the suffering that Fidel and his commissars have wrought.

[From the Orlando Sentinel, Oct. 25, 2003]

LIFT BAN ON CUBA TRAVEL

Our position: Removing restrictions on U.S. travel would expose Cubans to free ideas.

The U.S. Senate took a courageous and correct stand on Cuba policy last week.

Fifty-nine senators defied a veto threat from President George W. Bush in voting against the ban on U.S. travel to Cuba. Like a majority of U.S. House members, those senators realize that the ban is—if anything—counterproductive.

The ban is political rather than practical. It pleases many Cuban-Americans in Florida, but it and other hard-line measures haven't dislodged dictator Fidel Castro.

Restricting the freedom of U.S. citizens to travel to Cuba limits the communist island's exposure to American ideas. It also helps conceal the extent of repression in Cuba from Americans. Those are both big favors for Mr. Castro.

The greatest threat to any totalitarian government is the free flow of information. That explains why independent journalists and librarians were targeted in the Castro government's brutal crackdown on dissidents earlier this year.

Enforcing the ban on U.S. travel to Cuba also ties up limited resources in both the Homeland Security and Treasury departments. Those resources would be better directed toward fighting terrorism.

Predictably, the White House criticized the Senate vote, saying it would ''provide a helping hand to a desperate and repressive regime.'' But Mr. Bush's hard line on Cuba is contradicted by his continuing engagement with China, another repressive communist regime.

The ban on U.S. travel to Cuba is futile, self-defeating, a waste of scarce resources and inconsistent with other American policies. It's past time to lift it.

[From the New York Times, Oct. 25, 2003]

CONGRESSIONAL RESOLVE ON CUBA

Though normally inclined to follow their president's lead on foreign policy, many Congressional Republicans have now broken ranks on Cuba. By a wide margin, the Senate joined the House on Thursday in voting to ease travel restrictions to Cuba, just two weeks after President Bush vowed to toughen sanctions on the government of Fidel Castro and enforce them more energetically. The renegade Republicans apparently think that Mr. Bush's approach is dictated less by a coherent vision than by electoral concerns involving anti-Castro Republican voters in Florida.

This Congressional resolve is commendable. Four decades of sanctions have allowed Mr. Castro to portray himself, both at home and abroad, as a victim of Yankee imperialism. Mr. Castro would probably be as disappointed as his adversaries in Florida to see the sanctions lifted.

That is one reason he has a knack for provoking a backlash anytime there is a chance of a change in the status quo, which may be the best of all words for Mr. Castro. The dollars sent home from Florida relatives and the money spent by European tourists have kept the rickety Cuban economy afloat since the Soviet collapse. At the same time, sanctions imposed by the United States have kept democratizing influences at bay and provided the regime with a justification for its authoritarian ways.

The proper response to such outrages as the Castro regime's roundup of dissidents and writers earlier this year is to seek to overwhelm the island with American influence—corporate and cultural—and with American tourists and other private visitors. This is the approach we take in trying to democratize other nations.

The Senate's measure, an amendment to a $90 billion spending bill to finance the Treasury and Transportation Departments, is identical to a provision approved overwhelmingly by the House. Such agreement means it will be hard for Republican leaders to try to kill the amendment behind closed doors. That leaves the possibility of a presidential veto, though the White House cannot relish the idea of holding up government spending to placate parochial interests in Florida, no matter how powerful. As the main beneficiary of this failed policy, Mr. Castro may want to call Mr. Bush and encourage him to get that veto pen ready.

[From the Chicago Tribune, Oct. 27, 2003]

CONGRESS' MESSAGE ON CUBA

Cues that it's time for the United States—and particularly the Bush administration—to abandon the 40-year-old embargo on Cuba got considerably louder on Thursday, when the Senate voted 59–36 to life the ban on travel by U.S. citizens. The Senate measure is identical to one passed by the House a month ago.

The White House, tuned to an altogether different wavelength, threatens to veto any bill loosening the economic and travel sanctions against Cuba. Two weeks ago, President Bush—surrounded by a supportive group of Cuban exiles from Miami—announced measures to tighten the economic noose around the island.

It's no secret that the president wants to nail down the votes of the fervidly anti-Castro Cuban-American community.

But at what cost? Congress supports lifting the embargo, and so do many conservative Republican politicians and business interests—particularly in the Midwest. It is time to end the Cold War sideshow of the Cuban embargo.

Never has the American obsession with Cuba seemed so out of proportion or self-defeating, particularly for a Republican administration, as it does now. This is a question of national interest, not the political interests of the tiny but vociferous Cuban-American community.

Thursday's vote in the senate, on an amendment to the Transportation and Treasury spending bill, was important for several reasons. It showed a significant policy shift in the Senate since 1999, when the upper chamber rejected lifting the travel restrictions on 55–43 vote.

Supporters this time included 19 Republicans, including several from farm states such as Kansas, Oklahoma and Texas. Sen. Dick Durbin voted for the amendment. Sen. Peter Fitzgerald voted against it.

Fitzgerald ought to pay attention. Lifting the travel ban is a critical step toward eventually lifting the U.S. embargo on Cuba and opening the door for more trade. Illinois firms such as Archer Daniels Midland Co. benefit from increased sales of foodstuffs to Cuba, so far conducted on a cash-only basis. Last year total exports to Cuba reached nearly $140 million, but it is estimated if all restrictions were lifted, that figure could increase significantly. Cuba would get better prices—Texas' rice is far closer than China's—and American farmers, strapped for markets, could benefit too.

In an age of very real terrorist threats, Cuba hardly makes the list. For the Department of Homeland Security to redouble its

efforts and tie up more money and personnel in enforcing the travel ban against Cuba—as the president proposed two weeks ago—is an incredible waste of resources.

This legislation is likely headed to conference committee, where GOP leaders must make sure the Cuba language doesn't mysteriously disappear. Congress ought to make clear its resolve to end the pointless flogging of Cuba. The embargo only intensifies the misery of the long-suffering Cubans while shortchanging U.S. economic and political interests. That makes no sense at all.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO MRS. LILLIAN S. ROBINSON

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Mrs. Lillian S. Robinson of Mt. Sterling, KY on her selection as a 2003 Experience Works Time Award honoree.

Mrs. Robinson was nominated for this award for her dedication to the educationm of the children of Kentucky. A youthful 83, she serves as the assistant director of the Community Education Program in Montgomery County, where she organizes volunteer programs including Pee Wee Basketball, the Cookie Candy Club and Parent-Child Tea.

The citizens of Kentucky are fortunate to have the leadership of Mrs. Robinson. Her example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth.

Congratulations, Mrs. Robinson for receiving the 2003 Outstanding Older Workers award. You have my most sincere appreciation for your work and I look forward to your continued service to your of our Commonwealth.●

CONGRATULATIONS TO THE FRENCHBURG JOB CORPS

● Mr. BUNNING. Mr. President, I pay tribute and congratulate the members of the Frenchburg Job Corps of Mariba, KY on their ''Make A Difference Day'' program.

The Frenchburg Jobs Corps conducted a wide-ranging program of community service in Northern Kentucky. From cleaning parks to building handicap accessible ramps to visiting the elderly, these Kentuckians truly made a difference on October 24, 2003.

The citizens of Kentucky are fortunate to have the leadership of the Frenchburg Job Corps. Their example of dedication, hard work, and compassion should be an inspiration to all throughout the Commonwealth.

They have my most sincere appreciation for this work, and I look forward to their continued service to Kentucky.●

CARL AND FLORENCE CONTER'S 60TH WEDDING ANNIVERSARY

● Mr. KOHL. Mr. President, I rise today to honor Carl and Florence Conter, lifelong residents of Wisconsin, on their 60th wedding anniversary. The country dance they met at began their life together blessed with family and friends to celebrate these years.

The couple was married at Holy Cross Catholic Church in Mishicot on November 6, 1943. Florence joined Carl on his family homestead in Two Creeks where he was born and lived for 85 years. It remained an active dairy farm until the late 1960s. Recently they have moved to Mishicot.

Today, many years after that first country dance at which they met, their story continues. Their children have grown up to be successful adults themselves, providing Carl and Florence with three grandchildren and four great grandchildren. Family life and faith has been a rewarding and sustaining part of their long relationship. Carl supports Florence in her advocacy of senior citizen issues. They both enjoy playing sheepshead and belong to several card clubs.

I join their many friends and their family in celebration as we honor Carl and Florence Conter on their 60th wedding anniversary. They are the very best Wisconsin has to offer, and I wish them continued joy and happiness.●

JAMES ''JACK'' MEEHAN: IN MEMORIAM

Mrs. BOXER. Mr. President, I rise to share with my colleagues the memory of a remarkable man, James ''Jack'' Meehan of Santa Cruz, CA, who died on Saturday, October 25, 2003. Throughout his life he compiled an extraordinary record of devotion to his family, his community and our Nation. Jack was an 84-year-old longtime Santa Cruz resident, former Santa Cruz City Planning Commissioner and Santa Cruz Port District Commissioner, pilot, space industry pioneer, community volunteer and beloved husband, father and grandfather.

Jack was born and raised in Brooklyn, NY. He married Brenda McGourty in 1942 and she remained his devoted partner for 57 years until her death in 1999. Jack and Brenda had three children: daughter Diana and sons Terry and Tom.

He served as an Army air corps pilot in Europe during World War II. After his plane was shot down, Jack's bravery helped him successfully evade capture. We will always be grateful for Jack's heroic service defending our Nation, our freedoms and our way of life.

During the 1950s, Jack put his aviation skills to use as a Viking rocket designer and tester in New Mexico. He was a pioneer in this field because the Viking rocket was a precursor to the Vanguard rocket which launched America's first satellite.

In 1959, Jack and his family settled in beautiful Santa Cruz. Jack tested satellites at Lockheed Martin in nearby Sunnyvale. He continued to pilot small planes until he gave that up in 1977. But of course, Jack's irrepressible spirit kept him very active, and he began boating in the Monterey Bay. Like everything Jack did, he gave boating his all and joined the Coast Guard Auxiliary, assisting in sea rescues. He also taught weather forecasting and radio communications.

In 1981, he was appointed to the Santa Cruz Port Commission, a position to which he was twice re-elected over the next 17 years. He also served as a Santa Cruz City Planning Commissioner.

After Jack retired, he was a devoted volunteer for the Santa Cruz County Red Cross. He built HAM radio systems, travelled and practiced his French language skills. Recalls his son Tom, ''Sports cars, TV's, HAM radios and computers were all puzzles to be unwrapped with his tools and insight.''

His daughter Diana commented, ''I most admire that he was brave and loving. He was romantic, tender and funny with my mother. He was a caring father.'' Throughout his life, Jack was constantly helping anyone in need. As one friend and neighbor explained of Jack and Brenda, ''they always served the community.''

Jack had a wonderful sense of humor. Even when he was sick and in the hospital, his caregivers would leave the room smiling because of his joking. ''He had a quick wit that was kind, playful and relentless. He had a distinctive Jack Meehan laugh and you could find him in airports and crowded restaurants by that laugh,'' remembered son Terry. Added son Tom, ''Whenever asked about his favorite time of life, he would always respond 'right now, and in the future.'''

James ''Jack'' Meehan is survived by his daughter Diana, sons Terry and Tom and six grandchildren. He was an exceptional man.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1720. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating

patient care facilities at Department of Veterans Affairs medical centers, to provide by law for the establishment and functions of the Office of Research Oversight in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration; and

H.J. Res. 52. Joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

The enrolled bills, previously signed by the Speaker of the House, were signed on today by the President pro tempore (Mr. STEVENS).

At 5:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3365. An act 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.

ENROLLED JOINT RESOLUTION SIGNED

At 7:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House has signed the following enrolled joint resolution:

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

The enrolled joint resolution, previously signed by the Speaker of the House, was signed on today by the President pro tempore (Mr. STEVENS).

At 7:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

At 8:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 30, 2003, she had presented to the President of the United States the following enrolled bills:

S. 470. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 926. An act to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies.

The enrolled bills previously signed by the Speaker of the House, were signed on today, by the President pro tempore (Mr. STEVENS).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1663. A bill to replace certain Coastal Barrier Resources System maps (Rept. No. 108–179).

H.R. 274. A bill to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge (Rept. No. 108–180).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1395. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2004 through 2005 (Rept. No. 108–181).

S. 1402. A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2004 through 2008, and for other purposes (Rept. No. 108–182).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1720. A bill to provide for Federal court proceedings in Plano, Texas.

By Mr. HAGEL, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 58. A concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month.

EXECUTIVE REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

The following executive reports of committees were submitted on October 29, 2003:

By MR. GREGG for the Committee on Health, Education, Labor and Pensions.

*Robert Lerner, of Maryland, to be Commissioner of Education Statistics for a term expiring June 21, 2009.

*Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2005.

*Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2008.

*Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Victor E. Renuart, Jr.

Air Force nomination of Lt. Gen. Richard V. Reynolds.

Air Force nomination of Maj. Gen. Charles L. Johnson II.

Air Force nomination of Maj. Gen. Garry R. Trexler.

Army nomination of Maj. Gen. Franklin L. Hagenbeck.

Army nomination of Maj. Gen. Joseph L. Yakovac, Jr.

Army nomination of Maj. Gen. David W. Barno.

Marine Corps nominations beginning Brig. Gen. Tony L. Corwin and ending Brig. Gen. Thomas L. Moore, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Marine Corps nominations beginning Col. John R. Allen and ending Col. Thomas D. Waldhauser, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Marine Corps nomination of Col. James L. Williams.

Navy nominations beginning Rear Adm. (lh) Michael K. Loose and ending Rear Adm. (lh) Robert L. Phillips, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2003.

Navy nomination of Read Adm. (lh) Robert Ryland Percy III.

Navy nomination of Capt. Henry B. Tomlin III.

Navy nomination of Capt. Gary A. Engle.

Navy nomination of Capt Mark A. Hugel.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Martin Alexis and ending Jerome E. Wizda, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2003.

Air Force nomination of Michael A. Mansueto.

Air Force nomination of Ronald C. Danielson.

Air Force nomination of Jefferson L. Severs.

Air Force nomination of Lesa M. Wagner.

Air Force nomination of Francis D. Pombar.

Air Force nomination of Alan T. Parmater.

Army nomination of Michael P. Vinlove.

Army nominations beginning Donald A. Black and ending Debra S. Long, which nominations were received by the Senate and appeared in the Congressional Record on October 14, 2003.

Army nominations beginning Douglas B. Ashby and ending Terry C. Washam, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Army nominations beginning Curtis J. Alitz and ending Marshall F. Willis, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Army nominations beginning Debra E. Burr and ending Janice B. Young, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Army nominations beginning Lionel Baker and ending Warren S. Wong, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003

Navy nominations beginning John A. Adcock, Jr. and ending Joseph Zuliani, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nominations beginning Michael C. Beckette and ending Robert S. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nominations beginning James C. Taylor and ending Jeffery S. Young, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nomination of Jeffrey D. Dickson.

By Mr. HATCH for the Committee on the Judiciary.

Dora L. Irizarry, of New York, to be the United States District Judge for the Eastern District of New York.

William K. Sessions III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009.

David L. Huber, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

(Nominations without an asterick were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself, Mr. BREAUX, Ms. SNOWE, Mrs. BOXER, Mr. GRAHAM of South Carolina, Mr. CHAFEE, and Mr. REED):

S. 1798. A bill to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 1799. A bill to encourage the development and promulgation of voluntary consensus standards by providing relief under the anti-trust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. SARBANES, and Mr. CORZINE):

S. 1800. A bill to amend the Higher Education Act of 1965 to enhance literacy in finance and economics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. CORZINE, Mr. SCHUMER, and Mr. DAYTON):

S. 1801. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON:

S. 1802. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians; to the Committee on Indian Affairs pursuant to the order of May 27, 1988, to the Committee on Banking, Housing and Urban affairs for a period not to exceed 60 days.

By Mr. ENZI:

S. 1803. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX (for himself, Mr. LOTT, and Mr. HOLLINGS):

S. 1804. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 255. A resolution supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. BROWNBACK):

S. Con. Res. 78. A concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 168

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 168, a bill to require the Secretary of the Treasury to mint coins in commemoration of the San Francisco Old Mint.

S. 420

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 420, a bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes.

S. 557

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 566

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 566, a bill to amend the Public Health Service Act to provide for Alzheimer's disease research and demonstration grants.

S. 623

At the request of Mr. WARNER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 632

At the request of Mr. CRAIG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 632, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

S. 894

At the request of Mr. WARNER, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. COLEMAN), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Connecticut (Mr. DODD), the Senator from New Hampshire (Mr. GREGG), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. GRAHAM), the Senator from Nevada (Mr. REID) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 950

At the request of Mr. ENZI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 976

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate

the 400th anniversary of the Jamestown settlement.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1595

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1664

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1736

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1736, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 1780

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1780, a bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. 1794

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1794, a bill to suspend temporarily the duty on electron guns for cathode ray tubes (CRT's) with a high definition television screen aspect ratio of 16:9 and other parts used in plasma and LCD televisions.

S. 1795

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1795, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Oregon (Mr. SMITH) 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 safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 75

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

S. RES. 244

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 244, a resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

AMENDMENT NO. 1966

At the request of Mr. DEWINE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1966 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1977

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1977 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. BREAUX, Ms. SNOWE, Mrs. BOXER, Mr. GRAHAM of South Carolina, Mr. CHAFEE and Mr. REED):

S. 1798. A bill to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, this Congress has worked towards providing the brave men and women who fight fires the funds and material to better perform their crucial tasks. We all saw brave members of the fire service sacrifice their lives to rescue people from the World Trade Center. But we do not see firefighters in every town in America risking their lives every day to save lives and homes from the ravages of fire. I lost a home to a severe fire, and I saw the herculean efforts of my local firefighters to save it. Too many people die or suffer grievous injuries from home fires. During a recent visit with the firefighters from my home State of South Carolina, they told me that in spite of their best efforts, nearly 40 people die each year from home fires.

In my conversations with fire services across the country, I hear two things. First, the departments need funds for equipment and training. With the Firefighter Investment and Response Enhancement grant program, we are on our way to getting these people the resources they need to do their job. There is more work to do, but this grant program is a start. Second, and most troubling, is that the best-equipped and best-trained fire departments cannot out race most home fires.

A recent FEMA-commissioned study from the National Fire Protection Association reported that 65 percent of our fire departments cannot respond within 4 minutes of receiving an alarm. The fire that engulfed the nightclub in Rhode Island is an unfortunate example of what we are dealing with in regard to fire fighting and fire safety. The fire department arrived within 5 minutes of the fire starting, which is exceptionally fast, yet 100 people died that night. Most of them died within 2 minutes of the fire starting.

Addressing the equipment and training of the fire service is one very important component to fighting fires. We've begun to address this need in recent years with the Firefighter Investment and Response Enhancement

(FIRE) Act, which I co-sponsored and helped move through the Commerce Committee in 2000. This established the FIRE grants that have helped local fire departments across the country acquire the equipment and training to improve their operations. I've also worked with Senator CHRIS DODD, D–CT, on the Staffing for Adequate Fire and Emergency Response (SAFER) Act, which would provide the funding to hire 75,000 new firefighters. The legislation is modeled on the success of the COPS program.

But the soundproofing materials that fed that fire in Rhode Island are identical to ingredients used in furniture in our homes. Indeed, the majority of fire deaths occur in homes. So we must address the underlying causes of home fires, the fuel that feeds them. We need to reduce the ignition potential of household items.

In 1998, residential fires killed 2,660 Americans, and injured 15,260. Senior citizens over 70 and children under 5 are at the greatest risk of dying in a fire; children under the age of 10 accounted for 17 percent of fire-related deaths in 1996. Fires also cause $3.5 billion in residential property loss each year.

It is in this context that Senators JOHN BREAUX, D–LA, OLYMPIA SNOWE, R–ME, BARBARA BOXER, D–CA, BYRON DORGAN, D–ND, LINDSEY GRAHAM, R–SC and I introduce the American Home Fire Safety Act. The Act would establish minimum combustibility standards for mattresses, upholstered furniture, candles and bed clothing. American manufacturers already have cost-effective technology to improve the safety of these products, and are ready to make products that meet the higher standards.

The United States Consumer Product Safety Commission already has the authority to set fire safety standards for these products. Yet, despite overwhelming evidence that new standards would save lives, the Commission has been slow to address this issue. There are some who ask for more time for the Commission to work on this issue. More than 20 years have passed since the Commission has addressed product fire safety. There is no more time to waste.

We have taken great care to select standards that were developed with the best available science and broad input from scientists at NIST and ASTM, fire safety officials, industry and consumers. The Act explicitly asks the EPA to ensure that nothing done in the pursuit of fire safety would harm Americans in other ways. The standards in the Act will improve safety and over time will save many lives.

Companies have the technology right now to address fire safety in an economically responsible way. The number of lives we lose now to home fires can be dramatically reduced by the standards in this legislation. I ask for your support in making this a reality.

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. 1798

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Home Fire Safety Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) There were 12,800 candle fires in 1998, resulting in 170 deaths, 1,200 civilian injuries, and $174,600,000 in property damage.

(2) In 1998, mattress and bedding fires caused 410 deaths, 2,260 civilian injuries, and $255,400,000 in property damage.

(3) The United States mattress industry has a long history of working closely with safety officials to reduce mattress flammability. For the past 25 years, mattresses have been subject to a Federal flammability standard that requires mattresses to resist ignition by smoldering cigarettes.

(4) Nevertheless, in 1998, fires involving mattresses and bedding accessories (which include pillows, comforters, and bedspreads) caused 410 deaths, 2,260 civilian injuries, and $255,400,000 in property damage.

(5) In many such fires, the bedding accessories are the first products to ignite. Such products have a material impact on the fire's intensity, duration, and the risk that the fire will spread beyond the room of origin.

(6) Upholstered furniture fires were responsible for 520 deaths in 1998, with little statistical change in the number of fires and deaths since 1994.

(7) While the fire death rates for upholstered furniture fires have dropped during the period 1982 through 1994 for both California and the entire Nation, death rates in California, which has stricter standards, have dropped by a larger percentage than the nation as a whole.

(8) Children, the elderly, and lower income families are at higher risk of death and injury from upholstered furniture fires caused primarily by the in creasing incidents of children playing with matches, candles, lighters, or other small open flames.

(9) In view of the increased incidents of fire, it is important for Congress to establish fire safety standards for candles, mattresses, bed clothing, and upholstered furniture.

(10) The Consumer Product Safety Commission is the appropriate agency to develop and enforce such standards.

(11) The Environmental Protection Agency should continue to review and determine the suitability of any materials used to meet any fire safety standard established as a result of this Act.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect the public against death and injury from fires associated with candles, mattresses, bed clothing, and upholstered furniture; and

(2) to require the Consumer Product Safety Commission to develop and issue comprehensive uniform safety standards to reduce the flammability of candles, mattresses, bed clothing, and upholstered furniture.

SEC. 3. CONSUMER PRODUCT FIRE SAFETY STANDARDS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Consumer Product Safety Commission shall promulgate, as final consumer product safety standards under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), the following fire safety standards:

(1) UPHOLSTERED FURNITURE.—A fire safety standard for upholstered furniture that is substantially the same as the provisions of Technical Bulletin 117, ''Requirements, Test Procedure and Apparatus for testing the Flame and Smolder Resistance of Upholstered Furniture)'' published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, February 2002.

(2) MATTRESSES.—A fire safety standard for mattresses that is substantially the same as Technical Bulletin 603, ''Requirements and Test Procedure for Resistance of a Residential Mattress/Box Spring Set to a Large Open Flame'', published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, February 2003.

(3) BEDCLOTHING.—A fire safety standard for bedclothing that is substantially the same as the October 22, 2003, draft for task force review of Technical Bulletin 604, ''Test Procedure and Apparatus for the Flame Resistance of Filled Bedclothing'', published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, October 2003.

(4) CANDLES.—A fire safety standard for candles that is substantially the same as Provisional Standard PS 59–02, ''Provisional Specification for Fire Safety for Candles'', ASTM International, as that provisional standard existed on the date of enactment of this Act.

(b) APPLICATION OF CERTAIN PROMULGATION REQUIREMENTS.—The requirements of subsections (a) through (f) of section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), and section 36 of that Act (15 U.S.C. 2083), do not apply to the consumer product safety standards required to be promulgated by subsection (a) of this section.

Ms. SNOWE. Mr. President, I rise today in support of the American Home Fire Safety Act authored by my colleague Senator HOLLINGS. I am pleased to co-sponsor this legislation along with Senators GRAHAM of South Carolina, BREAUX, BOXER and DORGAN. While the purpose of our bill is to require the Consumer Product Safety Commission to implement national standards for mattresses, upholstered furniture, candles and bedding, our ultimate goal is to save lives.

According to the Consumer Products Safety Commission and the National Fire Protection Association, in 1998, the last year for which statistics are available, American homes suffered over 330,000 fires serious enough to require a response from firefighters. In those fires, more than 2,600 Americans died and another 15,000 suffered injuries requiring medical treatment. The property loss from those fires totaled over $3.5 billion.

Of the many items first ignited in residential fires, upholstered furniture is the product most frequently involved in fire deaths (20 percent) followed by mattresses and bedding (15 percent). Among the different forms of heat involved in the ignition of fires, smoking materials accounted for 30 percent of fire deaths with candles accounting for six percent of the fire deaths, followed by lighters at five percent and matches at three percent.

Effective fire protection depends on redundancy. Public education, building

codes, smoke detectors, and automatic fire sprinklers each are important but imperfect tools where they exist—and too often they do not. The fact is that even with these tools available, more than 900 Americans—that's five of our fellow citizens every two days—die every year in fires involving cigarettes, small open flames such as candles, upholstered furniture, mattresses and bedding.

Those are the numbers—but there is a tragedy behind every one of them. Let me speak just for a moment about one such tragedy that visited my state one cold night in January of 2000. That night a young boy of six playing with a lighter ignited the sofa bed he was on and in the ensuing fire he and his two brothers—they were triplets—perished. But the tragedy doesn't stop there because one of the volunteer firefighters who responded that night, Waldo County Sheriff Robert Jones, suffered a fatal heart attack while fighting the blaze. No, Mr. President, this is not just about the numbers—although they are staggering—it is about the human tragedy.

The American Home Fire Safety Act will require the United States Consumer Product Safety Commission to enforce specific fire safety standards for each of these products. These are not new, burdensome standards—in fact, they are standards already established by the American Society of Testing and Materials or the state of California. American manufacturers of mattresses, upholstered furniture, candles and bedding have already developed cost-effective technology and processes to make these household goods less flammable than current products. Collectively—and in combination with existing fire protection technologies—we hope to save hundreds of lives, avoid thousands of serious injuries and billions of dollars in lost property.

Finally, I would like to point out that this legislation has been endorsed by the National Fire Protection Association, the National Volunteer Fire Council, the Western Fire Chiefs Association, the National Association of State Fire Marshals and numerous state Fire Chief's Associations. I urge my colleagues to support this bill to establish national standards for some of the household products at the core of residential fires. By doing so, perhaps we can spare our fellow Americans needless suffering.

By Mr. AKAKA (for himself, Mr. SARBANES, and Mr. CORZINE):

S. 1800. A bill to amend the Higher Education Act of 1965 to enhance literacy in finance and economics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, today I am introducing the College Literacy in Finance and Economics or College LIFE Act. I would like to thank my colleagues, Senators SARBANES and CORZINE, for their cosponsorship of this important legislation.

The problem we're working to address with the College LIFE Act is simple. Our college students are many of America's best and the brightest. They hold the promise of our country in their hands and will go on to become leaders—in business, education, politics, the military, the community—any field you can name. It is wonderful that so many people are pursuing and fulfilling their dreams of higher education in numbers that I did not imagine when I was in college. In fact, as reported by the American Council on Education, total college enrollment surged by 3 million or nearly 27 percent over the past 20 years. However, I am gravely concerned, both as a member of this body and particularly as a grandparent and great-grandparent, that our young people are entering college without proper direction or good skills for money management or economic decisionmaking.

As we work on increasing access to higher education, we must give students access to the tools that they need to make sound economic and financial decisions once they are on campus. However, the lack of personal finance and economics State K–12 education standards or implementation of existing standards in K–12 education in a number of States results in many students arriving at college with little understanding of economic concepts like supply and demand or benefits versus costs, or personal finance concepts such as household money management or the importance of maintaining good credit history. Without this basic understanding, college students are not effectively evaluating credit alternatives, managing their debt, and preparing for long-term financial goals, such as saving for a home or retirement.

We can try to imagine what it's like to be a college student's shoes. A young adult leaves his home and travels thousands of miles, as do many Hawaii students attending mainland colleges, to the campus that holds his hopes and dreams. Perhaps farthest from his mind is how little spending money he has for textbooks, a new college sweatshirt, and school supplies. He gets to the campus bookstore and walks out with a bag that includes a preapproved credit card application, which he immediately fills out and mails. Months later, he has joined many other credit card-holding college student who, on average, have a credit card bill balance above $3,000. His sophomore year rolls around and, instead of conferring with his parents about the details of his renewal FAFSA for student financial aid or master promissory note, he is saddled with another $10,000 loan. According to The College Board, average college tuition and fees in 2003–04 increased to $19,710 for a four-year private institution and to $4,694 for a 4-year public institution. The same scenario repeats itself for his junior and senior years. Finally, after successfully completing all of his coursework, he graduates, finds an entry-level job, and realizes that, after servicing his debt, he has little money left for basics such as food, transportation, and rent, much less new career clothing or social outings. His lack of knowledge about how to properly use credit has led him to anxiety-causing financial missteps. With appropriate financial and economic literacy, he may have known what debt load to anticipate and made wiser financing and spending decisions while in school.

Rather, he may be on the road to true financial trouble. Dan Iannicola, Jr., Deputy Assistant Secretary of the Treasury for Financial Education, testified before a House subcommittee on Tuesday, that 40 percent of Americans say they live beyond their means, with the average American household having $8,900 in credit card debt in 2002—up from $3,200 just 10 years earlier. In 2001, more people filed for bankruptcy than graduated from college. Furthermore, the most recent Federal Reserve Bulletin reported that Americans currently pay 13.3 percent of after-tax income to service their debts, which increases to 18.1 percent when we add other recurring liabilities such as rent and auto leases. We must ensure that our youth make the right decisions to follow a better financial path, especially considering a report cited by Mr. Iannicola noting that youth spent more than $172 billion in a recent year, and figures from MarketResearch.com noting that typical 8- to 14-year-olds now spend—from allowances, jobs, and gifts—about $1,294 a year or $25 a week.

The College LIFE (Literacy in Finance and Economics) Act represents a comprehensive approach to assist upcoming generations of Americans. It proposes four new grant programs that provide resources to encourage experimentation with delivery systems—innovation methods used in or out of the classroom to increase college students' financial literacy. Another grant would allow higher education institutions to share best practices about or create personal finance courses where none exist. A third grant would assist efforts that are looking at the best ways to integrate personal finance and economic education into basic educational subjects, which is especially important as schools are facing challenges under the No Child Left Behind Act and are tempted to focus on subjects being tested for Annual Yearly Progress. The final grant would train teachers and high school counselors toward increasing financial and economic literacy in grades K–12 so that our college students are prepared when they arrive at college campuses.

The bill also proposes a pilot program for five higher education institutions to encourage students to take a personal finance course and participate in preventive annual credit counseling, working in conjunction with state or local public, private, and nonprofit entities selected by the local education

agency or the school, and measuring the effectiveness of efforts in any behavioral changes that may result. It promotes greater collaboration with and support from Federal agencies in the higher education arena with respect to economic and financial literacy. Finally, it emphasizes the importance of personal finance and economic education and counseling by authorizing these activities as allowable uses in existing Higher Education Act programs, such as TRIO, GEAR UP, and Title III and Title V Serving Institutions.

Furthermore, I intend the reach of this bill to be beyond the traditional college student. Our returning college students are a vital part of society—many who are already community leaders and breadwinners for their families who have already gained valuable work experience that they may use as they learn a new field or continue their undergraduate study in the pursuit of a graduate or doctoral degree. In addition, older adults who are entering higher education for the first time can also be lauded for their enterprising spirit in wanting to better their lives by earning an associates or bachelors degree. I anticipate that the assistance provided through the College LIFE Act will work to provided needed help to many of these students as well.

I have been working on this bill over the better part of this year with several organizations in the higher education and economic and financial literacy community. I ask unanimous consent to have printed in the RECORD after my statement letters of support for the legislation from the National Council on Economic Education, Jump$tart Coalition for Personal Financial Literacy, and Family, Career and Community Leaders of America. I thank these and other organizations for their constant efforts in this area. For example, the National Council for Community and Education Partnerships (NCCEP) supports a provision including economic and financial literacy and counseling as allowable activities for the GEAR–UP program, which provides comprehensive mentoring, counseling, outreach, and supportive services to cohorts of disadvantaged students. Emphasis on economic and financial literacy as included in the bill would complement NCCEP'S current GEAR–UP activities that underscore the importance of the college-going experience and pursuit of post-secondary education—including discussions about financial aid, debt, grants vs. loans, savings, and tax credits—and involving parents or guardians to inform them on the costs of college and how to prepare for their child's entry into college. I will continue to work with these and other organizations toward increasing literacy in finance and economics for our students before they enter higher education and once they arrive on college campuses.

I am looking forward to continuing to work with my colleagues to have the College LIFE Act passed or included in the upcoming Higher Education Act reauthorization. I encourage my colleagues' support for this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the Material was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL
ON ECONOMIC EDUCATION,
Washington, DC, October 1, 2003.

Hon. DANIEL K. AKAKA,
U.S. Senator,
Washington, DC.

DEAR SENATOR AKAKA: For over 50 years, the National Council on Economic Education (NCEE), through its nationwide network of State Councils and University Centers for Economic Education, has been the nation's premier organization for promoting effective economic education, by training teachers to get basic economic knowledge and decision-making skills into the heads and hands of our young people, K–12.

NCEE's mission is to ensure the effective teaching of the real-life skills people need to succeed in an increasingly complex world: to be able to think and choose knowledgeably as consumers, savers, and investors, responsible citizens, members of the workforce, and effective participants in the global economy.

Because of our nationwide university and college base, we at the National Council on Economic Education (NCEE) strongly endorse the College LIFE (Literacy in Finance and Economics) Act.

The College LIFE (Literacy in Finance and Economics) Act, which seeks to provide university students with personal finance counseling, and to prepare teachers and high school counselors to equip our young people with personal finance knowledge and skills, could not come at a better time.

This is a time of growing public interest in personal finance education. Parents everywhere want their children to know how the world works before they go to work in it, and to possess the basic knowledge and decision-making skills that will help them to become productive and responsible citizens, employees, consumers, savers and investors. Any legislation that advances that effort in a sustained, systematic way has our support.

The NCEE is pleased to support the College LIFE (Literacy in Finance and Economics) Act. Please keep us informed of its progress.

Yours sincerely,

ROBERT F. DUVALL,
President & Chief Executive Officer.

JUMP$TART COALITION,
Washington, DC, October 9, 2003.

Senator DANIEL K. AKAKA,
Hart Building,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the Jump$tart Coalition for Personal Financial Literacy (a coalition of 150 organizations promoting personal finance education for youth), we thank you for sponsoring the College Literacy in Finance and Economics (College LIFE) Act.

The passage of this Act would signify an elevation in importance of the issue of youth financial literacy by Higher Education. The problems related to financially illiterate young adults need to be addressed. We cannot continue the ten-fold increase in young adults filing bankruptcy that we have seen in the past five years. Nor can we afford to have young adults dropping out of college due to heavy credit card debt or not understanding the importance of investing for their retirement.

In light of these distressing problems, it is imperative that we start to embed personal finance and economic education more widely into our college and university curricula. Currently the percentage of college students having the opportunity to enroll in such classes is small considering their lack of promotion and availability.

The good news is that education is the answer and the solution is found through existing resources. A wide selection of curricula (many free or low cost) in addition to teacher training networks and guest speaker supplements are available. The remaining obstacle lies in opening the doors of Higher Education to this invaluable instruction.

Therefore, Jump$tart wholeheartedly supports Senator Akaka's College LIFE Act for its emphasis on a subject and skill that is invaluable to surviving in today's complex financial marketplace.

The Jump$tart Coalition thanks you for your continuing support of financial and economic education.

Sincerely,

DARA DUGUAY,
Executive Director.

FAMILY, CAREER AND
COMMUNITY LEADERS OF AMERICA,
Reston, VA, October 29, 2003.

Senator DANIEL K. AKAKA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA, Family, Career and Community Leaders of America is a dynamic and effective national student organization with a membership of over 227,000 that helps young men and women become leaders and address important personal, family, work, and societal issues through Family and Consumer Sciences Education (FACS). One of those important issues is financial responsibility, which is a part of the FACS discipline.

FCCLA Advisers are FACS teachers who use the FCCLA Financial Fitness national peer education program to promote youth teaching other young people how to make, save, and spend money wisely. Its goals are to sharpen young people's skills in money management, consumerism, and financial planning; as well as provide youth an opportunity to teach others and develop financial literacy, communication, and leadership skills. This program includes educational tools and recognition for chapter projects.

We strongly support the College LIFE (Literacy in Finance and Economics) Act, as it shares the goals of the FCCLA Financial Fitness program. The importance of consumer education that FCCLA introduces to its youth will be able to be carried on to higher education with the passage of this Act. Skills learned through personal finance and economic education courses will better prepare students for success in their careers and their lives.

FCCLA is grateful to you for your enduring advocacy of financial and economic education through the College LIFE Act.

Sincerely,

ALAN T. RAINS, Jr.,
Executive Director.

S. 1800

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 ''College Literacy in Finance and Economics (College LIFE) Act''.

SEC. 2. AREAS OF EMPHASIS.

Part B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by adding at the end the following:

''SEC. 123. AREAS OF EMPHASIS.

''In carrying out activities under this Act related to improving financial and economic

literacy, education, and counseling, the Secretary shall emphasize, among other elements, basic personal income and household money management and financial planning skills, and basic economic decision making skills, including how to—

''(1) create household budgets, initiate savings plans, and make strategic investment decisions for education, employment, retirement, home ownership, wealth building, or other savings goals;

''(2) manage credit and debt effectively, including student financial aid and credit card debt, and understand the merits of establishing and maintaining excellent credit history;

''(3) understand, evaluate, and compare fair and favorable financial products, services, and opportunities, and avoid abusive, predatory, or deceptive financial products, services, and opportunities;

''(4) complete tax returns and understand tax consequences when making certain financial decisions, such as placing an investment or purchasing a home;

''(5) identify economic problems, alternatives, benefits, and costs;

''(6) analyze the incentives at work in an economic situation;

''(7) examine the consequences of changes in economic conditions and public policies;

''(8) collect and organize economic evidence, including understanding, evaluating, and making strategic decisions using economic indicators;

''(9) compare benefits with costs; and

''(10) improve financial and economic literacy and education through all other related skills.''.

SEC. 3. COORDINATION.

In carrying out the financial and economic literacy activities authorized under this Act and the amendments made by this Act, the Secretary of Education, to the greatest extent practicable, shall coordinate such activities with the financial and economic literacy efforts of a Federal commission comprised of members from the Department of Education, the Department of the Treasury, and other entities the President, the Secretary of Education, and the Secretary of the Treasury determine appropriate.

SEC. 4. ENHANCEMENT OF FINANCIAL LITERACY AND ECONOMIC LITERACY.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 201(a)(3), by inserting ''personal finance,'' after ''economics,'';

(2) in section 311(c)—

(A) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(B) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.'';

(3) in section 316(c)(2)—

(A) by redesignating subparagraphs (G) through (L) as subparagraphs (H) through (M), respectively;

(B) by inserting after subparagraph (F) the following:

''(G) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;''; and

(C) in subparagraph (M), as redesignated by subparagraph (A), by striking ''subparagraphs (A) through (K)'' and inserting ''subparagraphs (A) through (L)'';

(4) in section 317(c)(2)—

(A) in subparagraph (G), by striking ''and'' after the semicolon;

(B) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(I) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.'';

(5) in section 323(a)—

(A) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(B) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.'';

(6) in section 326(c)—

(A) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

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

''(5) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;'';

(7) in section 503(b)—

(A) by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively; and

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

''(5) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.'';

(8) in section 402B(b)—

(A) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

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

''(3) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;''; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking ''paragraphs (1) through (9)'' and inserting ''paragraphs (1) through (10)'';

(9) in section 402C—

(A) in subsection (b)—

(i) by redesignating paragraphs (2) through (12) as paragraphs (3) through (13), respectively;

(ii) by inserting after paragraph (1) the following:

''(2) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;''; and

(iii) in paragraph (13), as redesignated by clause (i), by striking ''paragraphs (1) through (11)'' and inserting ''paragraphs (1) through (12)''; and

(B) in subsection (e), by striking ''subsection (b)(10)'' and inserting ''subsection (b)(11)'';

(10) in section 402D(b)—

(A) by redesignating paragraphs (2) through (10) as paragraphs (3) through (11), respectively;

(B) by inserting after paragraph (1) the following:

''(2) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;''; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking ''paragraphs (1) through (9)'' and inserting ''paragraphs (1) through (10)'';

(11) in section 402E(b)—

(A) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(B) by inserting after paragraph (6) the following:

''(7) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;'';

(12) in section 402F(b)—

(A) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively;

(B) by inserting after paragraph (3) the following:

''(4) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;''; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking ''paragraphs (1) through (9)'' and inserting ''paragraphs (1) through (10)'';

(13) in section 404D(b)(2)(A)(ii), by striking ''and academic counseling'' and inserting ''academic counseling, and financial literacy and economic literacy education or counseling'';

(14) by striking section 418A(c)(1)(B)(i) and inserting the following:

''(i) personal, academic, career, and economic education or personal finance counseling as an ongoing part of the program;'';

(15) in section 428F(b), by inserting at the end the following: ''Where appropriate, such program shall include making available financial and economic education materials for the borrower.'';

(16) in section 432(k)(1), by striking ''and offering'' and all that follows through the period and inserting '', offering loan repayment matching provisions as part of employee benefit packages, and providing employees with financial and economic education and counseling.'';

(17) in section 441(c)—

(A) in paragraph (1), by inserting ''financial literacy and economic literacy,'' after ''social services,''; and

(B) in paragraph (4)(C), by striking the period at the end and inserting ''and counseling for the purposes of improving financial literacy and economic literacy.'';

(18) in section 485—

(A) in subsection (a)(1)(D), by striking the semicolon at the end and inserting '', including the merits of taking a personal finance course, if the institution offers such a course, and of the student reviewing the student's personal credit profile not less frequently than once a year;'';

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in clause (i), by striking ''and'' after the semicolon;

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(iii) if it is determined during the counseling that the borrower is not connected to a mainstream financial institution, information about low-cost financial services and the benefits of using such services, and where and how the borrower could open a low-cost account in a federally insured credit union or bank.''; and

(ii) by adding at the end the following:

''(3) PILOT PROGRAM.—

''(A) AUTHORIZATION.—

''(i) IN GENERAL.—The Secretary shall establish a pilot program that awards a total of 5 grants to 5 different institutions of higher education that are located in geographically different parts of the United States to enable the institutions to provide annual personal finance counseling for students enrolled at such institutions.

''(ii) MINORITY SERVING INSTITUTIONS.—In awarding grants under this paragraph, the Secretary shall award not less than 2 of the 5 grants to institutions of higher education that are eligible to receive assistance under title III or title V.

''(B) APPLICATION.—An institution of higher education that desires to receive a grant

under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(C) USE OF FUNDS.—

''(i) COUNSELING.—

''(I) IN GENERAL.—In addition to making available exit counseling under paragraph (1), an institution of higher education that receives a grant under this paragraph shall through financial aid officers or otherwise, make available counseling to borrowers of loans which are made, insured, or guaranteed under part B (other than loans made pursuant to section 428B) of this title or made under part D or E of this title at the commencement of the borrower's course of study at the institution, not less frequently than once annually while the borrower is enrolled at the institution, and not later than 30 days after completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution.

''(II) CONTENT.—The counseling required under subclause (I) shall include the average anticipated monthly repayments, a review of the repayment options available, the total amount of interest that would be paid over a range of possible interest rates and the amount of interest in the monthly payments, information on the availability and content of a personal finance course if such course is offered by the institution and if not already completed by the individual, and such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness, which may be implemented in partnership with State or local public, private, and nonprofit entities approved by the local educational agency that serves schools in the area where the institution is located, or a campus committee formed for the purpose of evaluating the qualifications of such entities. If it is determined during the counseling that the borrower is not connected to a mainstream financial institution, the counseling shall include information about low-cost financial services and the benefits of using such services, and where and how the borrower could open a low-cost account in a federally insured credit union or bank.

''(ii) PERMISSIVE USE.—Grant funds received under this paragraph may be used to pay for additional financial aid personnel or for training for existing financial aid personnel.

''(iii) STUDY.—

''(I) IN GENERAL.—An institution of higher education that receives a grant under this paragraph shall conduct a study to evaluate the impacts, if any, of the financial and economic literacy and counseling activities on students' levels of savings and indebtedness, and creditworthiness, and such activities' effectiveness in reducing the incidence of problems with handling credit, including bankruptcy filing and student financial loan default.

''(II) ASSISTANCE.—An institution of higher education may conduct the study under subclause (I) with the assistance of appropriate Federal agencies or other entities approved by the Secretary.

''(III) REPORT.—Not later than 6 months after completion of the study under subclause (I), the institution of higher education shall report the results of such study to the Secretary, the Secretary of the Treasury, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Financial Services of the House of Representatives.

''(D) DURATION.—Grants awarded under this paragraph shall be for a period of 3 years.

''(E) AMOUNT.—The Secretary shall award grants of not more than $1,000,000 annually to each institution of higher education awarded a grant under this paragraph. The Secretary may determine the grant award amount based on the number of students to be counseled at the institution of higher education.

''(F) REPORT.—Not later than 90 days after the date of completion of the pilot program under this paragraph, the Secretary shall submit a report to Congress on the effectiveness of the program.

''(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph such sums as may be necessary for each of fiscal years 2005 through 2009.''; and

(C) in subsection (c), by adding at the end the following: ''Appropriate Federal agencies shall provide material developed by such agencies for the purpose of financial education, to financial assistance information personnel at institutions of higher education for the use of such personnel in financial aid counseling.''; and

(19) in section 491(d)(8), by inserting '', including those related to financial literacy activities,'' after ''resources and services''.

SEC. 5. GRANT PROGRAMS.

(a) INNOVATIVE DELIVERY SYSTEMS.—

(1) DEFINITIONS.—In this subsection:

(A) DELIVERY SYSTEM.—The term ''delivery system'' means any range of media or methods that institutions of higher education use to instruct or to convey information to the students enrolled at such institutions.

(B) ELIGIBLE ENTITY.—The term ''eligible entity''—

(i) means an institution of higher education; and

(ii) includes an institution of higher education in partnership with a public, private, or nonprofit entity.

(C) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(D) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(2) AUTHORIZATION.—From funds appropriated under paragraph (10), the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to develop or sponsor experimental financial literacy delivery systems.

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENT.—An application submitted under subparagraph (A) shall include—

(i) a description of the plan for the development or sponsorship of the financial literacy delivery system the eligible entity intends to support with grant funds received under this subsection;

(ii) information on the students expected to be served by such system; and

(iii) information on the means by which the effectiveness of such system will be measured.

(4) AWARDING OF GRANTS.—In awarding grants under this subsection, the Secretary shall—

(A) give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus; and

(B) consider—

(i) the quality of the proposed financial literacy delivery system and the degree to which such system may be used as a model for adoption by other institutions of higher education;

(ii) the resources, if any, that the eligible entity intends to dedicate to the implementation of the plan for the development or sponsorship of such system;

(iii) the degree to which technology is to be used in the implementation of such plan; and

(iv) the degree to which the eligible entity will collaborate with other entities in implementing such plan.

(5) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the grant funds—

(A) to develop or sponsor an experimental financial literacy delivery system; and

(B) for activities that explore and assess the effectiveness of various delivery systems in delivering personal financial education and counseling to students and in increasing student personal financial literacy.

(6) OBLIGATION.—Grant funds received under this subsection shall be available for obligation for a period of not more than 4 years.

(7) TECHNICAL ASSISTANCE.—From not more than 5 percent of the funds appropriated to carry out this subsection, the Secretary shall make technical assistance available to eligible entities that receive grants under this subsection.

(8) REPORT.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of the financial literacy delivery system; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of the financial literacy delivery system.

(9) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2005 through 2009.

(b) PERSONAL FINANCE COURSE.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term ''eligible entity''—

(i) means an institution of higher education; and

(ii) includes an institution of higher education in partnership with a public, private, or nonprofit entity.

(B) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(2) AUTHORIZATION.—From funds appropriated under paragraph (8), the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to—

(A) if such entities do not offer a course in personal finance, create a course in personal finance; or

(B) if such entities offer a course in personal finance, share best practices and related information with other institutions of higher education about successful personal finance courses.

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENT.—An application submitted under subparagraph (A) shall include—

(i) if the entity intends to create a course in personal finance with grant funds received under this subsection, information on the number of students who could enroll in such course and the expected outcomes of the course; or

(ii) if the entity already offers a course in personal finance, information on how the institution will share its best practices with other institutions.

(4) AWARDING OF GRANTS.—In awarding grants under this subsection, the Secretary shall give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus.

(5) OBLIGATION.—Grant funds received under this subsection shall be available for obligation for a period of not more than 3 years.

(6) REPORT.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of the personal finance course in increasing the personal financial literacy of students who complete such course; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of the personal finance course in increasing the personal financial literacy of students who complete such course.

(7) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2005 through 2009.

(c) INTEGRATION.—

(1) AUTHORIZATION.—From funds appropriated under paragraph (6), the Secretary of Education (referred to in this subsection as the ''Secretary'') shall award a grant, on a competitive basis, to a nonprofit organization, or a consortium of nonprofit organizations, working in partnership with relevant Federal agencies, educational organizations, and other nonprofit organizations, to study and recommend the best ways to integrate personal finance and economics into basic educational subjects.

(2) APPLICATION.—A nonprofit organization, or consortium of nonprofit organizations, that desires to receive the grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) AWARDING OF GRANTS.—In awarding the grant under this subsection, the Secretary shall—

(A) give priority to an applicant that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics; and

(B) consider—

(i) the previous record of work of the applicant in improving the quality of student understanding of personal finance and economics; and

(ii) the degree to which the applicant has collaborated with other entities that have as their primary purpose the improvement of the quality of student understanding of personal finance and economics.

(4) REPORT.—Not later than 2 years after the grant funds have been distributed under this subsection, the nonprofit organization, or consortium of nonprofit organizations, that receives the grant under this subsection shall submit to the Secretary and the appropriate committees of Congress a report on the best ways to integrate personal finance and economics into basic educational subjects.

(5) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2005 through 2007.

(d) TEACHER AND COUNSELOR TRAINING.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term ''eligible entity''—

(i) means—

(I) an education department of an institution of higher education; or

(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics through effective teaching; and

(ii) includes a partnership of the entities described in clause (i).

(B) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(D) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(2) AUTHORIZATION.—From funds appropriated under paragraph (10), the Secretary shall award grants, on a competitive basis, to eligible entities to enable the entities to fund—

(A) preservice teacher training programs in the instruction of economics and personal finance in elementary schools and secondary schools; and

(B) programs to provide preservice and inservice training of secondary school counselors in advising students on the importance of improving their economic and personal financial literacy.

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENT.—An application submitted under subparagraph (A) shall include information on—

(i) the number of individuals who would be served by the eligible entity if awarded a grant under this subsection; and

(ii) the expected outcomes of the proposed training.

(4) AWARDING OF GRANTS.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall—

(i) give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus; and

(ii) consider the applicant's past record of success in carrying out similar training programs.

(B) GRANTS TO ALL STATES.—For any fiscal year for which the amount appropriated to carry out this paragraph is more than $25,000,000, the Secretary shall award not less than 1 grant to an eligible entity in each State.

(5) COORDINATION WITH EXISTING PROGRAMS.—In carrying out programs funded under this subsection, an eligible entity may coordinate activities with other training programs, including programs authorized under the Excellence in Economic Education Act of 2001 (20 U.S.C. 7267 et seq.).

(6) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds available to the eligible entity for the purpose of carrying out similar training programs.

(7) OBLIGATION.—Grant funds received under this subsection shall be available for obligation for a period of not more than 3 years.

(8) REPORT.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of training teachers and counselors in instructing and advising students on personal finance; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of training teachers and counselors in instructing and advising students on personal finance.

(9) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2005 through 2009.

SEC. 6. EVALUATION.

Not later than 6 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Financial Services of the House of Representatives, an evaluation of the range and effectiveness of financial and economic education and financial aid counseling activities of institutions of higher education, lenders, servicers, and guaranty agencies as emphasized by the Secretary of Education pursuant to section 123 of the Higher Education Act of 1965.

Mr. CORZINE. Mr. President, I am proud to join Senator AKAKA as a cosponsor of the College LIFE (Literacy in Finance and Economics) Act.

Unfortunately, when it comes to personal finances, most American college students do not have the skills they need to spend and save wisely. Most do not understand the details of managing a checking account, paying their taxes, or even using a credit card sensibly. College students must be given the tools they need to maintain good credit and make informed decisions about investments and savings so that they can ensure themselves a successful future.

The importance of financial education cannot be understated, and this bill effectively addresses this critical issue by establishing grants that would allow institutions of higher education to provide their students with personal finance counseling and planning services. The bill also contains provisions that would encourage colleges to develop personal finance courses, giving students greater access to financial education. Finally, the bill would create a three-year pilot program in five institutions of higher education across the Nation to provide annual counseling for financial aid recipients.

Financial literacy has been a priority of mine since the start of my tenure in the U.S. Senate. Indeed, I believe that financial literacy should be a lifelong goal. Last Congress, I successfully added a provision to the No Child Left Behind Act to give elementary and secondary schools access to funds that will allow them to include financial education as part of their basic educational curriculum. This Congress, I have introduced the Education for Retirement Security Act of 2003, which would provide grants to non-profit organizations and State and local agencies for programs that would enhance financial and retirement knowledge for America's seniors. The bill also aims to reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud. Finally, I am the sponsor of a bill that would provide welfare recipients with greater access to financial literacy skills in order to help them achieve self-sufficiency.

I know that Senator AKAKA has a deep interest in this issue as well, and I am honored to join him in introducing the College LIFE Act, to ensure that college students have access to the financial knowledge that they need to make the right decisions about their futures.

By Mrs. MURRAY (for herself, Mr. CORZINE, Mr. SCHUMER, and Mr. DAYTON):

S. 1801. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Finance.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1801

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Security and Financial Empowerment Act'' or the ''SAFE Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE

Sec. 101. Purposes.
Sec. 102. Entitlement to emergency leave for addressing domestic or sexual violence.
Sec. 103. Existing leave usable for addressing domestic or sexual violence.
Sec. 104. Emergency benefits.
Sec. 105. Effect on other laws and employment benefits.
Sec. 106. Conforming amendments.
Sec. 107. Effective date.

TITLE II—ENTITLEMENT TO UNEMPLOYMENT COMPENSATION FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Sec. 201. Purposes.
Sec. 202. Unemployment compensation and training provisions.

TITLE III—VICTIMS' EMPLOYMENT SUSTAINABILITY

Sec. 301. Short title.
Sec. 302. Purposes.
Sec. 303. Prohibited discriminatory acts.
Sec. 304. Enforcement.
Sec. 305. Attorney's fees.

TITLE IV—VICTIMS OF ABUSE INSURANCE PROTECTION

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Discriminatory acts prohibited.
Sec. 404. Insurance protocols for subjects of abuse.
Sec. 405. Reasons for adverse actions.
Sec. 406. Life insurance.
Sec. 407. Subrogation without consent prohibited.
Sec. 408. Enforcement.
Sec. 409. Effective date.

TITLE V—WORKPLACE SAFETY PROGRAM TAX CREDIT

Sec. 501. Credit for costs to employers of implementing workplace safety programs.

TITLE VI—NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT

Sec. 601. National clearinghouse on domestic and sexual violence in the workplace grant.

TITLE VII—SEVERABILITY

Sec. 701. Severability.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Domestic violence crimes account for approximately 15 percent of total crime costs in the United States each year.

(2) Violence against women has been reported to be the leading cause of physical injury to women. Such violence has a devastating impact on women's physical and emotional health and financial security.

(3) According to a recent National Institutes of Health-Centers for Disease Control and Prevention study, each year there are 5,300,000 non-fatal violent victimizations committed by intimate partners against women. Female murder victims were substantially more likely than male murder victims to have been killed by an intimate partner. About ⅓ of female murder victims, and about 4 percent of male murder victims, were killed by an intimate partner.

(4) According to recent government estimates, approximately 987,400 rapes occur annually in the United States, 89 percent of the rapes perpetrated against female victims. Since 2001, rapes have actually increased by 4 percent.

(5) Approximately 10,200,000 people have been stalked at some time in their lives. Four out of every 5 stalking victims are women. Stalkers harass and terrorize their victims by spying on the victims, standing outside their places of work or homes, making unwanted phone calls, sending or leaving unwanted letters or items, or vandalizing property.

(6) Employees in the United States who have been victims of domestic violence, dating violence, sexual assault, or stalking too often suffer adverse consequences in the workplace as a result of their victimization.

(7) Victims of domestic violence, dating violence, sexual assault, and stalking are particularly vulnerable to changes in employment, pay, and benefits as a result of their victimizations, and are, therefore, in need of legal protection.

(8) The prevalence of domestic violence, dating violence, sexual assault, stalking, and other violence against women at work is dramatic. About 36,500 individuals, 80 percent of whom are women, were raped or sexually assaulted in the workplace each year from 1993 through 1999. Half of all female victims of violent workplace crimes know their attackers. Nearly 1 out of 10 violent workplace incidents are committed by partners or spouses. Women who work for State and local governments suffer a higher incidence of workplace assaults, including rapes, than women who work in the private sector.

(9) Homicide is the leading cause of death for women on the job. Husbands, boyfriends, and ex-partners commit 15 percent of workplace homicides against women.

(10) Studies indicate that between 35 and 56 percent of employed battered women surveyed were harassed at work by their abusive partners.

(11) According to a 1998 report of the General Accounting Office, between ¼ and ½ of domestic violence victims surveyed in 3 studies reported that the victims lost a job due, at least in part, to domestic violence.

(12) Women who have experienced domestic violence or dating violence are more likely than other women to be unemployed, to suffer from health problems that can affect employability and job performance, to report lower personal income, and to rely on welfare.

(13) Abusers frequently seek to control their partners by actively interfering with their ability to work, including preventing their partners from going to work, harassing their partners at work, limiting the access of their partners to cash or transportation, and sabotaging the child care arrangements of their partners.

(14) More than ½ of women receiving welfare have been victims of domestic violence as adults and between ¼ and ⅓ reported being abused in the last year.

(15) Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of over 32,000 full-time jobs and 5,600,000 days of household productivity.

(16) Sexual assault, whether occurring in or out of the workplace, can impair an employee's work performance, require time away from work, and undermine the employee's ability to maintain a job. Almost 50 percent of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.

(17) More than 35 percent of stalking victims report losing time from work due to the stalking and 7 percent never return to work.

(18)(A) According to the National Institute of Justice, crime costs an estimated $450,000,000,000 annually in medical expenses, lost earnings, social service costs, pain, suffering, and reduced quality of life for victims, which harms the Nation's productivity and drains the Nation's resources.

(B) Violent crime accounts for $426,000,000,000 per year of this amount.

(C) Rape exacts the highest costs per victim of any criminal offense, and accounts for $127,000,000,000 per year of the amount described in subparagraph (A).

(19) Violent crime results in wage losses equivalent to 1 percent of all United States earnings, and causes 3 percent of the Nation's medical spending and 14 percent of the Nation's injury-related medical spending.

(20) The Bureau of National Affairs has estimated that domestic violence costs United States employers between $3,000,000,000 and $5,000,000,000 annually in lost time and productivity, while other reports have estimated the cost at between $5,800,000,000 and $13,000,000,000 annually.

(21) United States medical costs for domestic violence have been estimated to be $31,000,000,000 per year.

(22) Surveys of business executives and corporate security directors also underscore the

heavy toll that workplace violence takes on women, businesses, and interstate commerce in the United States.

(23) Ninety-four percent of corporate security and safety directors at companies nationwide rank domestic violence as a high security concern.

(24) Forty-nine percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, 47 percent said domestic violence negatively affects attendance, and 44 percent said domestic violence increases health care costs.

(25) Only 25 States have laws that explicitly provide unemployment insurance to domestic violence victims in certain circumstances, and none of the laws explicitly cover victims of sexual assault or stalking.

(26) Only 6 States provide domestic violence victims with leave from work to go to court, to the doctor, or to take other steps to address the domestic violence in their lives, and only Maine provides such leave to victims of sexual assault and stalking.

(27) No States prohibit employment discrimination against victims of domestic violence, sexual assault, or stalking. Five States provide limited protection to some victims under certain circumstances.

(28) Employees, including individuals participating in welfare to work programs, may need to take time during business hours to—

(A) obtain orders of protection;

(B) seek medical or legal assistance, counseling, or other services; or

(C) look for housing in order to escape from domestic violence.

(29) Domestic and sexual violence victims have been subjected to discrimination by private and State employers, including discrimination motivated by sex and stereotypic notions about women.

(30) Domestic violence victims and third parties who help them have been subjected to discriminatory practices by health, life, disability, and property and casualty insurers and employers who self-insure employee benefits who have denied or canceled coverage, rejected claims, and raised rates based on domestic violence. Although some State legislatures have tried to address these problems, the scope of protection afforded by the laws adopted varies from State to State, with many failing to address the problem comprehensively. Moreover, Federal law prevents States from protecting the almost 40 percent of employees whose employers self-insure employee benefits.

(31) Existing Federal law does not explicitly—

(A) authorize victims of domestic violence, dating violence, sexual assault, or stalking to take leave from work to seek legal assistance and redress, counseling, or assistance with safety planning activities;

(B) address the eligibility of victims of domestic violence, dating violence, sexual assault, or stalking for unemployment compensation;

(C) prohibit employment discrimination against actual or perceived victims of domestic violence, dating violence, sexual assault, or stalking; or

(D) prohibit insurers and employers who self-insure employee benefits from discriminating against domestic violence victims and those who help them in determining eligibility, rates charged, and standards for payment of claims; nor does it prohibit insurers from disclosure of information about abuse and the victim's location through insurance databases and other means.

SEC. 3. DEFINITIONS.

In this Act, except as otherwise expressly provided:

(1) COMMERCE.—The terms ''commerce'' and ''industry or activity affecting commerce'' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(2) COURSE OF CONDUCT.—The term ''course of conduct'' means a course of repeatedly maintaining a visual or physical proximity to a person or conveying verbal or written threats, including threats conveyed through electronic communications, or threats implied by conduct.

(3) DATING VIOLENCE.—The term ''dating violence'' has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(4) DOMESTIC OR SEXUAL VIOLENCE.—The term ''domestic or sexual violence'' means domestic violence, dating violence, sexual assault, or stalking.

(5) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(6) DOMESTIC VIOLENCE COALITION.—The term ''domestic violence coalition'' means a nonprofit, nongovernmental membership organization that—

(A) consists of the entities carrying out a majority of the domestic violence programs carried out within a State;

(B) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of domestic violence intervention and prevention; and

(C) among other activities, provides training and technical assistance to entities carrying out domestic violence programs within a State, territory, political subdivision, or area under Federal authority.

(7) ELECTRONIC COMMUNICATIONS.—The term ''electronic communications'' includes communications via telephone, mobile phone, computer, e-mail, video recorder, fax machine, telex, or pager.

(8) EMPLOY; STATE.—The terms ''employ'' and ''State'' have the meanings given the terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(9) EMPLOYEE.—

(A) IN GENERAL.—The term ''employee'' means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(B) BASIS.—The term includes a person employed as described in subparagraph (A) on a full- or part-time basis, for a fixed time period, on a temporary basis, pursuant to a detail, as an independent contractor, or as a participant in a work assignment as a condition of receipt of Federal or State income-based public assistance.

(10) EMPLOYER.—The term ''employer''—

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more individuals; and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to an employee, and includes a public agency, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(11) EMPLOYMENT BENEFITS.—The term ''employment benefits'' means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an ''employee benefit plan'', as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(12) FAMILY OR HOUSEHOLD MEMBER.—The term ''family or household member'' means a spouse, former spouse, parent, son or daughter, or person residing or formerly residing in the same dwelling unit.

(13) PARENT; SON OR DAUGHTER.—The terms ''parent'' and ''son or daughter'' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(14) PERSON.—The term ''person'' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(15) PUBLIC AGENCY.—The term ''public agency'' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(16) PUBLIC ASSISTANCE.—The term ''public assistance'' includes cash, food stamps, medical assistance, housing assistance, and other benefits provided on the basis of income by a public agency.

(17) REDUCED LEAVE SCHEDULE.—The term ''reduced leave schedule'' means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(18) REPEATEDLY.—The term ''repeatedly'' means on 2 or more occasions.

(19) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(20) SEXUAL ASSAULT.—The term ''sexual assault'' has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(21) SEXUAL ASSAULT COALITION.—The term ''sexual assault coalition'' means a nonprofit, nongovernmental membership organization that—

(A) consists of the entities carrying out a majority of the sexual assault programs carried out within a State;

(B) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of sexual assault intervention and prevention; and

(C) among other activities, provides training and technical assistance to entities carrying out sexual assault programs within a State, territory, political subdivision, or area under Federal authority.

(22) STALKING.—The term ''stalking'' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress or to fear bodily injury, sexual assault, or death to the person, or the person's spouse, parent, or son or daughter, or any other person who regularly resides in the person's household, if the conduct causes the specific person to have such distress or fear.

(23) VICTIM OF DOMESTIC OR SEXUAL VIOLENCE.—The term ''victim of domestic or sexual violence'' includes a person who has been a victim of domestic or sexual violence and a person whose family or household member has been a victim of domestic or sexual violence.

(24) VICTIM SERVICES ORGANIZATION.—The term ''victim services organization'' means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or to advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or an organization providing assistance through the legal process.

TITLE I—ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE

SEC. 101. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact

legislation under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences from their employers;

(3) to ensure that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences with respect to public benefits;

(4) to promote the purposes of the 14th amendment by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in employment leave, addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting their civil and economic rights, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination;

(5) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, employment, health care costs, and employer costs, caused by domestic or sexual violence, including intentional efforts to frustrate women's ability to participate in employment and interstate commerce;

(6) to further the goals of human rights and dignity reflected in instruments such as the United Nations Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights; and

(7) to accomplish the purposes described in paragraphs (1) through (6) by—

(A) entitling employed victims of domestic or sexual violence to take leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from their employers; and

(B) prohibiting employers from discriminating against actual or perceived victims of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

SEC. 102. ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.

(a) LEAVE REQUIREMENT.—

(1) BASIS.—An employee who is a victim of domestic or sexual violence may take leave from work to address domestic or sexual violence, by—

(A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

(B) obtaining services from a victim services organization for the employee or the employee's family or household member;

(C) obtaining psychological or other counseling for the employee or the employee's family or household member;

(D) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or

(E) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

(2) PERIOD.—An employee may take not more than 30 days of leave, as described in paragraph (1), in any 12-month period.

(3) SCHEDULE.—Leave described in paragraph (1) may be taken intermittently or on a reduced leave schedule.

(b) NOTICE.—The employee shall provide the employer with reasonable notice of the employee's intention to take the leave, unless providing such notice is not practicable.

(c) CERTIFICATION.—

(1) IN GENERAL.—The employer may require the employee to provide certification to the employer that—

(A) the employee or the employee's family or household member is a victim of domestic or sexual violence; and

(B) the leave is for 1 of the purposes enumerated in subsection (a)(1).

The employee shall provide a copy of such certification to the employer within a reasonable period after the employer requests certification.

(2) CONTENTS.—An employee may satisfy the certification requirement of paragraph (1) by providing to the employer—

(A) a sworn statement of the employee;

(B) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional, from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

(C) a police or court record; or

(D) other corroborating evidence.

(d) CONFIDENTIALITY.—All information provided to the employer pursuant to subsection (b) or (c), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—

(1) requested or consented to by the employee in writing; or

(2) otherwise required by applicable Federal or State law.

(e) EMPLOYMENT AND BENEFITS.—

(1) RESTORATION TO POSITION.—

(A) IN GENERAL.—Except as provided in paragraph (2), any employee who takes leave under this section for the intended purpose of the leave shall be entitled, on return from such leave—

(i) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(ii) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(B) LOSS OF BENEFITS.—The taking of leave under this section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(C) LIMITATIONS.—Nothing in this subsection shall be construed to entitle any restored employee to—

(i) the accrual of any seniority or employment benefits during any period of leave; or

(ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this section to report periodically to the employer on the status and intention of the employee to return to work.

(2) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—

(A) DENIAL OF RESTORATION.—An employer may deny restoration under paragraph (1) to any employee described in subparagraph (B) if—

(i) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;

(ii) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and

(iii) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(B) AFFECTED EMPLOYEES.—An employee referred to in subparagraph (A) is a salaried employee who is among the highest paid 10 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

(3) MAINTENANCE OF HEALTH BENEFITS.—

(A) COVERAGE.—Except as provided in subparagraph (B), during any period that an employee takes leave under this section, the employer shall maintain coverage under any group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(B) FAILURE TO RETURN FROM LEAVE.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of leave under this section if—

(i) the employee fails to return from leave under this section after the period of leave to which the employee is entitled has expired; and

(ii) the employee fails to return to work for a reason other than—

(I) the continuation, recurrence, or onset of domestic or sexual violence, that entitles the employee to leave pursuant to this section; or

(II) other circumstances beyond the control of the employee.

(C) CERTIFICATION.—

(i) ISSUANCE.—An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason.

(ii) CONTENTS.—An employee may satisfy the certification requirement of clause (i) by providing to the employer—

(I) a sworn statement of the employee;

(II) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of that violence;

(III) a police or court record; or

(IV) other corroborating evidence.

(D) CONFIDENTIALITY.—All information provided to the employer pursuant to subparagraph (C), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee is not returning to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—

(i) requested or consented to by the employee; or

(ii) otherwise required by applicable Federal or State law.

(f) PROHIBITED ACTS.—

(1) INTERFERENCE WITH RIGHTS.—

(A) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

(B) EMPLOYER DISCRIMINATION.—It shall be unlawful for any employer to discharge or harass any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner) because the individual—

(i) exercised any right provided under this section; or

(ii) opposed any practice made unlawful by this section.

(C) PUBLIC AGENCY SANCTIONS.—It shall be unlawful for any public agency to deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner) because the individual—

(i) exercised any right provided under this section; or

(ii) opposed any practice made unlawful by this section.

(2) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate (as described in subparagraph (B) or (C) of paragraph (1)) against any individual because such individual—

(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

(g) ENFORCEMENT.—

(1) CIVIL ACTION BY AFFECTED INDIVIDUALS.—

(A) LIABILITY.—Any employer or public agency that violates subsection (f) shall be liable to any individual affected—

(i) for damages equal to—

(I) the amount of—

(aa) any wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, public assistance, or other compensation has not been denied or lost to the individual, any actual monetary losses sustained by the individual as a direct result of the violation;

(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

(III) an additional amount as liquidated damages equal to the sum of the amount described in subclause (I) and the interest described in subclause (II), except that if an employer or public agency that has violated subsection (f) proves to the satisfaction of the court that the act or omission that violated subsection (f) was in good faith and that the employer or public agency had reasonable grounds for believing that the act or omission was not a violation of subsection (f), such court may, in the discretion of the court, reduce the amount of the liability to the amount and interest determined under subclauses (I) and (II), respectively; and

(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(B) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (A) may be maintained against any employer or public agency in any Federal or State court of competent jurisdiction by any 1 or more affected individuals for and on behalf of—

(i) the individuals; or

(ii) the individuals and other individuals similarly situated.

(C) FEES AND COSTS.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(D) LIMITATIONS.—The right provided by subparagraph (B) to bring an action by or on behalf of any affected individual shall terminate—

(i) on the filing of a complaint by the Secretary in an action under paragraph (4) in which restraint is sought of any further delay in the payment of the amount described in subparagraph (A)(i) to such individual by an employer or public agency responsible under subparagraph (A) for the payment; or

(ii) on the filing of a complaint by the Secretary in an action under paragraph (2) in which a recovery is sought of the damages described in subparagraph (A)(i) owing to an affected individual by an employer or public agency liable under subparagraph (A),

unless the action described in clause (i) or (ii) is dismissed without prejudice on motion of the Secretary.

(2) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of subsection (f) in the same manner as the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (1)(A)(i).

(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each individual affected. Any such sums not paid to such an individual because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(3) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under this subsection not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(B) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of subsection (f), such action may be brought within 3 years after the date of the last event constituting the alleged violation for which such action is brought.

(C) COMMENCEMENT.—In determining when an action is commenced by the Secretary under this subsection for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

(4) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(A) to restrain violations of subsection (f), including the restraint of any withholding of payment of wages, salary, employment benefits, public assistance, or other compensation, plus interest, found by the court to be due to affected individuals; or

(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(5) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under this subsection.

(6) EMPLOYER LIABILITY UNDER OTHER LAWS.—Nothing in this section shall be construed to limit the liability of an employer or public agency to an individual, for harm suffered relating to the individual's experience of domestic or sexual violence, pursuant to any other Federal or State law, including a law providing for a legal remedy.

SEC. 103. EXISTING LEAVE USABLE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.

An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to State or local law, a collective bargaining agreement, or an employment benefits program or plan, may elect to substitute any period of such leave for an equivalent period of leave provided under section 102.

SEC. 104. EMERGENCY BENEFITS.

(a) IN GENERAL.—A State may use funds provided to the State under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-term emergency benefits to an individual for any period of leave the individual takes pursuant to section 102.

(b) ELIGIBILITY.—In calculating the eligibility of an individual for such emergency benefits, the State shall count only the cash available or accessible to the individual.

(c) TIMING.—

(1) APPLICATIONS.—An individual seeking emergency benefits under subsection (a) from a State shall submit an application to the State.

(2) BENEFITS.—The State shall provide benefits to an eligible applicant under paragraph (1) on an expedited basis, and not later than 7 days after the applicant submits an application under paragraph (1).

(d) CONFORMING AMENDMENT.—Section 404 of the Social Security Act (42 U.S.C. 604) is amended by adding at the end the following:

''(l) AUTHORITY TO PROVIDE EMERGENCY BENEFITS.—A State that receives a grant under section 403 may use the grant to provide nonrecurrent short-term emergency benefits, in accordance with section 104 of the Security and Financial Empowerment Act, to individuals who take leave pursuant to section 102 of that Act, without regard to whether the individuals receive assistance under the State program funded under this part.''.

SEC. 105. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—Nothing in this title shall be construed to supersede any provision of any Federal, State, or local law, collective bargaining agreement, or employment benefits program or plan that provides—

(1) greater leave benefits for victims of domestic or sexual violence than the rights established under this title; or

(2) leave benefits for a larger population of victims of domestic or sexual violence (as defined in such law, agreement, program, or plan) than the victims of domestic or sexual violence covered under this title.

(b) LESS PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—The rights established for victims of domestic or sexual violence under this title shall not be diminished by any State or local law, collective bargaining agreement, or employment benefits program or plan.

SEC. 106. CONFORMING AMENDMENT.

Section 1003(a)(1) of the Rehabilitation Act Amendments of 1986 (42 U.S.C. 2000d–7(a)(1)) is amended by inserting ''title I or III of the Security and Financial Empowerment Act,'' before ''or the provisions''.

SEC. 107. EFFECTIVE DATE.

This title and the amendment made by this title take effect 180 days after the date of enactment of this Act.

TITLE II—ENTITLEMENT TO UNEMPLOYMENT COMPENSATION FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

SEC. 201. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under the portions of section 8 of article I of the Constitution relating to laying and collecting taxes, providing for the general welfare, and regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such victimization and participate in the criminal and civil justice processes without fear of adverse economic consequences;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, loss of employment, health care costs, and employer costs, caused by domestic or sexual violence including intentional efforts to frustrate the ability of women to participate in employment and interstate commerce;

(4) to promote the purposes of the 14th amendment to the Constitution by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in unemployment insurance, by addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting their civil and economic rights, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination; and

(5) to accomplish the purposes described in paragraphs (1) through (4) by providing unemployment insurance to those who are separated from their employment as a result of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

SEC. 202. UNEMPLOYMENT COMPENSATION AND TRAINING PROVISIONS.

(a) UNEMPLOYMENT COMPENSATION.—Section 3304 of the Internal Revenue Code of 1986 (relating to approval of State unemployment compensation laws) is amended—

(1) in subsection (a)—

(A) in paragraph (18), by striking ''and'' at the end;

(B) by redesignating paragraph (19) as paragraph (20); and

(C) by inserting after paragraph (18) the following new paragraph:

''(19) compensation shall not be denied where an individual is separated from employment due to circumstances resulting from the individual's experience of domestic or sexual violence; and''; and

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

''(g) CONSTRUCTION.—

''(1) IN GENERAL.—For purposes of subsection (a)(19), an individual's separation from employment shall be treated as due to circumstances resulting from the individual's experience of domestic or sexual violence if the separation resulted from—

''(A) the individual's reasonable fear of future domestic or sexual violence at or en route to or from the individual's place of employment;

''(B) the individual's wish to relocate in order to avoid future domestic or sexual violence against the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act);

''(C) the individual's need to obtain treatment to address the physical, psychological, or legal effects of domestic or sexual violence on the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act);

''(D) the employer's denial of the individual's request for leave from employment to address domestic or sexual violence and its effects on the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act), including leave authorized by section 102 of the Family and Medical Leave Act of 1993 or by title I of the Security and Financial Empowerment Act;

''(E) the employer's termination of the individual's employment due to actions, including absences, taken by the individual that were necessary to protect the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act) from domestic or sexual violence;

''(F) the employer's termination of the individual due to circumstances resulting from the individual's being, or being perceived to be, a victim of domestic or sexual violence; or

''(G) any other circumstance in which domestic or sexual violence causes the individual to reasonably believe that separation from employment is necessary for the future safety of the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act).

''(2) REASONABLE EFFORTS TO RETAIN EMPLOYMENT.—For purposes of subsection (a)(19), if State law requires the individual to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, such requirement shall be met if the individual—

''(A) sought protection from, or assistance in responding to, domestic or sexual violence, including calling the police, obtaining services from a victim services organization (as defined in section 3 of the Security and Financial Empowerment Act), or seeking legal, social work, medical, clerical, or other assistance;

''(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the individual actually obtained such refuge or accomplished such relocation; or

''(C) reasonably believed that options such as taking a leave of absence, transferring jobs, or receiving an alternative work schedule would not be sufficient to guarantee the safety of the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act).

''(3) ACTIVE SEARCH FOR EMPLOYMENT.—For purposes of subsection (a)(19), if State law requires the individual to actively search for employment after separation from employment as a condition for receiving unemployment compensation—

''(A) such requirement shall be treated as met where the individual registers for work (the individual is not otherwise required to seek employment on a weekly basis); and

''(B) such law may not categorize an employment opportunity as suitable work for the individual unless such employment opportunity reasonably accommodates the individual's need to address the physical, psychological, legal, and other effects of domestic or sexual violence.

''(4) PROVISION OF INFORMATION TO MEET CERTAIN REQUIREMENTS.—

''(A) IN GENERAL.—In determining if an individual meets the requirements of paragraphs (1), (2), and (3), the unemployment agency of the State in which an individual is requesting unemployment compensation by reason of subsection (a)(19) may require the individual to provide certification that the separation from employment was due to circumstances resulting from the individual's, or the individual's family or household member's (as such term is defined in section 3 of the Security and Financial Empowerment Act), experience of domestic or sexual violence.

''(B) SATISFACTION OF CERTIFICATION REQUIREMENT.—An individual may satisfy the certification requirement of subparagraph (A) by providing to the unemployment agency—

''(i) a sworn statement of the individual;

''(ii) documentation from an employee, agent, or volunteer of a victim services organization (as defined in section 3 of the Security and Financial Empowerment Act), an attorney, a member of the clergy, or a medical or other professional, from whom the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act) has sought assistance in addressing domestic or sexual violence and the effects of that violence;

''(iii) a police or court record; or

''(iv) other corroborating evidence.

''(C) CONFIDENTIALITY.—All information provided to the unemployment agency pursuant to this paragraph, including a statement of an individual or any other documentation, record, or corroborating evidence, and the fact that an individual has applied for, inquired about, or obtained unemployment compensation available by reason of subsection (a)(19) shall be retained in the strictest confidence by the individual's former or current employer and the unemployment agency, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing; or

''(ii) otherwise required by applicable Federal or State law.''.

(b) UNEMPLOYMENT COMPENSATION PERSONNEL TRAINING.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(1) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively; and

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

''(4) Such methods of administration as will ensure that—

''(A) applicants for unemployment compensation and individuals inquiring about such compensation are adequately notified of the provisions of subsections (a)(19) and (g) of section 3304 of the Internal Revenue Code of 1986 (relating to the availability of unemployment compensation for victims of domestic or sexual violence); and

''(B) claims reviewers and hearing personnel are adequately trained in—

''(i) the nature and dynamics of domestic or sexual violence (as defined in section 3306(u) of the Internal Revenue Code of 1986); and

''(ii) methods of ascertaining and keeping confidential information about possible experiences of domestic or sexual violence (as so defined) to ensure that—

''(I) requests for unemployment compensation based on separations stemming from such violence are reliably screened, identified, and adjudicated; and

''(II) full confidentiality is provided for the individual's claim and submitted evidence; and''.

(c) TANF PERSONNEL TRAINING.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by adding at the end the following new paragraph:

''(8) CERTIFICATION THAT THE STATE WILL PROVIDE INFORMATION TO VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.—A certification by the chief officer of the State that the State has established and is enforcing standards and procedures to—

''(A) ensure that applicants for assistance under the program and individuals inquiring about such assistance are adequately notified of—

''(i) the provisions of subsections (a)(19) and (g) of section 3304 of the Internal Revenue Code of 1986 (relating to the availability of unemployment compensation for victims of domestic or sexual violence); and

''(ii) assistance made available by the State to victims of domestic or sexual violence;

''(B) ensure that case workers and other agency personnel responsible for administering the State program funded under this part are adequately trained in—

''(i) the nature and dynamics of domestic or sexual violence (as defined in section 3306(u) of the Internal Revenue Code of 1986);

''(ii) State standards and procedures relating to the prevention of, and assistance for individuals who experience, domestic or sexual violence (as so defined); and

''(iii) methods of ascertaining and keeping confidential information about possible experiences of domestic or sexual violence (as so defined);

''(C) if a State has elected to establish and enforce standards and procedures regarding the screening for and identification of domestic violence pursuant to paragraph (7), ensure that—

''(i) applicants for assistance under the program and individuals inquiring about such assistance are adequately notified of options available under such standards and procedures; and

''(ii) case workers and other agency personnel responsible for administering the State program funded under this part are provided with adequate training regarding such standards and procedures and options available under such standards and procedures; and

''(D) ensure that the training required under subparagraphs (B) and, if applicable, (C)(ii) is provided through a training program operated by an eligible entity (as defined in section 202(d)(2) of the Security and Financial Empowerment Act).''.

(d) DOMESTIC AND SEXUAL VIOLENCE TRAINING GRANT PROGRAM.—

(1) GRANTS AUTHORIZED.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') is authorized to award—

(A) a grant to a national victim services organization in order for such organization to—

(i) develop and disseminate a model training program (and related materials) for the training required under section 303(a)(4)(B) of the Social Security Act (42 U.S.C. 503(a)(4)(B)), as added by subsection (b), and under subparagraphs (B) and, if applicable, (C)(ii) of section 402(a)(8) of the such Act (42 U.S.C. 602(a)(8)), as added by subsection (c); and

(ii) provide technical assistance with respect to such model training program; and

(B) grants to State, tribal, or local agencies in order for such agencies to contract with eligible entities to provide State, tribal, or local case workers and other State, tribal, or local agency personnel responsible for administering the temporary assistance to needy families program established under part A of title IV of the Social Security Act in a State or Indian reservation with the training required under subparagraphs (B) and, if applicable, (C)(ii) of such section 402(a)(8).

(2) ELIGIBLE ENTITY DEFINED.—For purposes of paragraph (1)(B), the term ''eligible entity'' means an entity—

(A) that is—

(i) a State or tribal domestic violence coalition or sexual assault coalition;

(ii) a State or local victim services organization with recognized expertise in the dynamics of domestic or sexual violence whose primary mission is to provide services to victims of domestic or sexual violence, such as a rape crisis center or domestic violence program; or

(iii) an organization with demonstrated expertise in State or county welfare laws and implementation of such laws and experience with disseminating information on such laws and implementation, but only if such organization will provide the required training in partnership with an entity described in clause (i) or (ii); and

(B) that—

(i) has demonstrated expertise in both domestic and sexual assault, such as a joint domestic violence and sexual assault coalition; or

(ii) will provide the required training in partnership with an entity described in clause (i) or (ii) of subparagraph (A) in order to comply with the dual domestic violence and sexual assault expertise requirement under clause (i).

(3) APPLICATION.—An entity seeking a grant under this subsection shall submit an application to the Secretary at such time, in such form and manner, and containing such information as the Secretary specifies.

(4) REPORTS.—

(A) REPORTS TO CONGRESS.—The Secretary shall annually submit a report to Congress on the grant program established under this subsection.

(B) REPORTS AVAILABLE TO PUBLIC.—The Secretary shall establish procedures for the dissemination to the public of each report submitted under subparagraph (A). Such procedures shall include the use of the Internet to disseminate such reports.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION.—There are authorized to be appropriated—

(i) $1,000,000 for fiscal year 2004 to carry out the provisions of paragraph (1)(A); and

(ii) $12,000,000 for each of fiscal years 2005 through 2007 to carry out the provisions of paragraph (1)(B).

(B) THREE-YEAR AVAILABILITY OF GRANT FUNDS.—Each recipient of a grant under this subsection shall return to the Secretary of Health and Human Services any unused portion of such grant not later than 3 years after the date the grant was awarded, together with any earnings on such unused portion.

(C) AMOUNTS RETURNED.—Any amounts returned pursuant to subparagraph (B) shall be available without further appropriation to the Secretary of Health and Human Services for the purpose of carrying out the provisions of paragraph (1)(B).

(e) DEFINITION OF DOMESTIC OR SEXUAL VIOLENCE.—Section 3306 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following:

''(u) DOMESTIC OR SEXUAL VIOLENCE.—For purposes of this chapter, the term 'domestic or sexual violence' means domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in section 3 of the Security and Financial Empowerment Act.''.

(f) EFFECTIVE DATE.—

(1) UNEMPLOYMENT AMENDMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (2), the amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—

(i) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or regulations in order to comply with the amendments made by this section (excluding the amendment made by subsection (c)), such amendments shall apply in the case of compensation paid for weeks beginning after the earlier of—

(I) the date the State changes its statutes or regulations in order to comply with such amendments; or

(II) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date;

except that in no case shall such amendments apply before the date that is 180 days after the date of enactment of this Act.

(ii) SESSION DEFINED.—In this subparagraph, the term ''session'' means a regular, special, budget, or other session of a State legislature.

(2) TANF AMENDMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by subsection (c) shall take effect on the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under part A of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendment made by subsection (c), the State plan shall not be regarded as failing to comply with the requirements of such amendment on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the

case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

TITLE III—VICTIMS' EMPLOYMENT SUSTAINABILITY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Victims' Employment Sustainability Act''.

SEC. 302. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences from their employers;

(3) to ensure that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences with respect to public benefits;

(4) to promote the purposes of the 14th amendment to the Constitution by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in employment, by addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting the civil and economic rights of victims of domestic or sexual violence, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination;

(5) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, employment, health care costs, and employer costs, caused by domestic or sexual violence, including intentional efforts to frustrate women's ability to participate in employment and interstate commerce; and

(6) to accomplish the purposes described in paragraphs (1) through (5) by prohibiting employers from discriminating against actual or perceived victims of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

SEC. 303. PROHIBITED DISCRIMINATORY ACTS.

(a) IN GENERAL.—An employer shall not fail to hire, refuse to hire, discharge, or harass any individual, or otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner), and a public agency shall not deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner), because—

(1) the individual involved—

(A) is or is perceived to be a victim of domestic or sexual violence;

(B) attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for, a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the individual, or the family or household member of the individual, was a victim; or

(C) requested an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, in response to actual or threatened domestic or sexual violence, regardless of whether the request was granted; or

(2) the workplace is disrupted or threatened by the action of a person whom the individual states has committed or threatened to commit domestic or sexual violence against the individual, or the individual's family or household member.

(b) DEFINITIONS.—In this section:

(1) DISCRIMINATE.—The term ''discriminate'', used with respect to the terms, conditions, or privileges of employment or with respect to the terms or conditions of public assistance, includes not making a reasonable accommodation to the known limitations of an otherwise qualified individual—

(A) who is a victim of domestic or sexual violence;

(B) who is—

(i) an applicant or employee of the employer (including a public agency); or

(ii) an applicant for or recipient of public assistance from the public agency; and

(C) whose limitations resulted from circumstances relating to being a victim of domestic or sexual violence;

unless the employer or public agency can demonstrate that the accommodation would impose an undue hardship on the operation of the employer or public agency.

(2) QUALIFIED INDIVIDUAL.—The term ''qualified individual'' means—

(A) in the case of an applicant or employee described in paragraph (1)(B)(i), an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires; or

(B) in the case of an applicant or recipient described in paragraph (1)(B)(ii), an individual who, with or without reasonable accommodation, can satisfy the essential requirements of the program providing the public assistance that the individual receives or desires.

(3) REASONABLE ACCOMMODATION.—The term ''reasonable accommodation'' may include an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, in response to actual or threatened domestic or sexual violence.

(4) UNDUE HARDSHIP.—

(A) IN GENERAL.—The term ''undue hardship'' means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

(B) FACTORS TO BE CONSIDERED.—In determining whether a reasonable accommodation would impose an undue hardship on the operation of an employer or public agency, factors to be considered include—

(i) the nature and cost of the reasonable accommodation needed under this section;

(ii) the overall financial resources of the facility involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact otherwise of such accommodation on the operation of the facility;

(iii) the overall financial resources of the employer or public agency, the overall size of the business of an employer or public agency with respect to the number of employees of the employer or public agency, and the number, type, and location of the facilities of an employer or public agency; and

(iv) the type of operation of the employer or public agency, including the composition, structure, and functions of the workforce of the employer or public agency, the geographic separateness of the facility from the employer or public agency, and the administrative or fiscal relationship of the facility to the employer or public agency.

SEC. 304. ENFORCEMENT.

(a) CIVIL ACTION BY INDIVIDUALS.—

(1) LIABILITY.—Any employer or public agency that violates section 303 shall be liable to any individual affected for—

(A) damages equal to the amount of wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation, and the interest on that amount calculated at the prevailing rate;

(B) compensatory damages, including damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment or life, and other nonpecuniary losses;

(C) such punitive damages, up to 3 times the amount of actual damages sustained, as the court described in paragraph (2) shall determine to be appropriate; and

(D) such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(2) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in paragraph (1) may be maintained against any employer or public agency in any Federal or State court of competent jurisdiction by any 1 or more individuals described in section 303.

(b) ACTION BY DEPARTMENT OF JUSTICE.—The Attorney General may bring a civil action in any Federal or State court of competent jurisdiction to recover the damages or equitable relief described in subsection (a)(1).

SEC. 305. ATTORNEY'S FEES.

Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting ''the Victims' Employment Sustainability Act,'' after ''title VI of the Civil Rights Act of 1964,''.

TITLE IV—VICTIMS OF ABUSE INSURANCE PROTECTION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Victims of Abuse Insurance Protection Act''.

SEC. 402. DEFINITIONS.

In this title:

(1) ABUSE.—The term ''abuse'' means the occurrence of 1 or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person bodily injury, physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that place the person in reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.

(D) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(2) HEALTH CARRIER.—The term ''health carrier'' means a person that contracts or offers to contract on a risk-assuming basis to provide, deliver, arrange for, pay for, or reimburse any of the cost of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health services.

(3) INSURED.—The term ''insured'' means a party named on a policy, certificate, or health benefit plan, including an individual, corporation, partnership, association, unincorporated organization, or any similar entity, as the person with legal rights to the benefits provided by the policy, certificate, or health benefit plan. For group insurance, such term includes a person who is a beneficiary covered by a group policy, certificate, or health benefit plan. For life insurance, the term refers to the person whose life is covered under an insurance policy.

(4) INSURER.—The term ''insurer'' means any person, reciprocal exchange, inter insurer, Lloyds insurer, fraternal benefit society, or other legal entity engaged in the business of insurance, including agents, brokers, adjusters, and third-party administrators; and employers who provide or make available employment benefits through an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 102(3)). The term also includes health carriers, health benefit plans, and life, disability, and property and casualty insurers.

(5) POLICY.—The term ''policy'' means a contract of insurance, certificate, indemnity, suretyship, or annuity issued, proposed for issuance or intended for issuance by an insurer, including endorsements or riders to an insurance policy or contract.

(6) SUBJECT OF ABUSE.—The term ''subject of abuse'' means—

(A) a person against whom an act of abuse has been directed;

(B) a person who has prior or current injuries, illnesses, or disorders that resulted from abuse; or

(C) a person who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse, protection, court-ordered protection, or shelter from abuse.

SEC. 403. DISCRIMINATORY ACTS PROHIBITED.

(a) IN GENERAL.—No insurer may, directly or indirectly, engage in any of the following acts or practices on the basis that the applicant or insured, or any person employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association, is, has been, or may be the subject of abuse or has incurred or may incur abuse-related claims:

(1) Denying, refusing to issue, renew or reissue, or canceling or otherwise terminating an insurance policy or health benefit plan.

(2) Restricting, excluding, or limiting insurance coverage for losses or denying a claim, except as otherwise permitted or required by State laws relating to life insurance beneficiaries.

(3) Adding a premium differential to any insurance policy or health benefit plan.

(b) PROHIBITION ON LIMITATION OF CLAIMS.—No insurer may, directly or indirectly, deny or limit payment of a claim incurred by an innocent insured as a result of abuse.

(c) PROHIBITION ON TERMINATION.—

(1) IN GENERAL.—No insurer or health carrier may terminate health coverage for a subject of abuse because coverage was originally issued in the name of the abuser and the abuser has divorced, separated from, or lost custody of the subject of abuse or the abuser's coverage has terminated voluntarily or involuntarily and the subject of abuse does not qualify for an extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986.

(2) PAYMENT OF PREMIUMS.—Nothing in paragraph (1) shall be construed to prohibit the insurer from requiring that the subject of abuse pay the full premium for the subject's coverage under the health plan if the requirements are applied to all insured of the health carrier.

(3) EXCEPTION.—An insurer may terminate group coverage to which this subsection applies after the continuation coverage period required by this subsection has been in force for 18 months if it offers conversion to an equivalent individual plan.

(4) CONTINUATION COVERAGE.—The continuation of health coverage required by this subsection shall be satisfied by any extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986 provided to a subject of abuse and is not intended to be in addition to any extension of coverage otherwise provided for under such part 6 or section 4980B.

(d) USE OF INFORMATION.—

(1) LIMITATION.—

(A) IN GENERAL.—In order to protect the safety and privacy of subjects of abuse, no person employed by or contracting with an insurer or health benefit plan may—

(i) use, disclose, or transfer information relating to abuse status, acts of abuse, abuse-related medical conditions or the applicant's or insured's status as a family member, employer, associate, or person in a relationship with a subject of abuse for any purpose unrelated to the direct provision of health care services unless such use, disclosure, or transfer is required by an order of an entity with authority to regulate insurance or an order of a court of competent jurisdiction; or

(ii) disclose or transfer information relating to an applicant's or insured's mailing address or telephone number or the mailing address and telephone number of a shelter for subjects of abuse, unless such disclosure or transfer—

(I) is required in order to provide insurance coverage; and

(II) does not have the potential to endanger the safety of a subject of abuse.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or preclude a subject of abuse from obtaining the subject's own insurance records from an insurer.

(2) AUTHORITY OF SUBJECT OF ABUSE.—A subject of abuse, at the absolute discretion of the subject of abuse, may provide evidence of abuse to an insurer for the limited purpose of facilitating treatment of an abuse-related condition or demonstrating that a condition is abuse-related. Nothing in this paragraph shall be construed as authorizing an insurer or health carrier to disregard such provided evidence.

SEC. 404. INSURANCE PROTOCOLS FOR SUBJECTS OF ABUSE.

Insurers shall develop and adhere to written policies specifying procedures to be followed by employees, contractors, producers, agents, and brokers for the purpose of protecting the safety and privacy of a subject of abuse and otherwise implementing this title when taking an application, investigating a claim, or taking any other action relating to a policy or claim involving a subject of abuse.

SEC. 405. REASONS FOR ADVERSE ACTIONS.

An insurer that takes an action that adversely affects a subject of abuse, shall advise the subject of abuse applicant or insured of the specific reasons for the action in writing. For purposes of this section, reference to general underwriting practices or guidelines shall not constitute a specific reason.

SEC. 406. LIFE INSURANCE.

Nothing in this title shall be construed to prohibit a life insurer from declining to issue a life insurance policy if the applicant or prospective owner of the policy is or would be designated as a beneficiary of the policy, and if—

(1) the applicant or prospective owner of the policy lacks an insurable interest in the insured; or

(2) the applicant or prospective owner of the policy is known, on the basis of police or court records, to have committed an act of abuse against the proposed insured.

SEC. 407. SUBROGATION WITHOUT CONSENT PROHIBITED.

Subrogation of claims resulting from abuse is prohibited without the informed consent of the subject of abuse.

SEC. 408. ENFORCEMENT.

(a) FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—The Federal Trade Commission shall have the power to examine and investigate any insurer to determine whether such insurer has been or is engaged in any act or practice prohibited by this title.

(2) CEASE AND DESIST ORDERS.—If the Federal Trade Commission determines an insurer has been or is engaged in any act or practice prohibited by this title, the Commission may take action against such insurer by the issuance of a cease and desist order as if the insurer was in violation of section 5 of the Federal Trade Commission Act. Such cease and desist order may include any individual relief warranted under the circumstances, including temporary, preliminary, and permanent injunctive and compensatory relief.

(b) PRIVATE CAUSE OF ACTION.—

(1) IN GENERAL.—An applicant or insured who believes that the applicant or insured has been adversely affected by an act or practice of an insurer in violation of this title may maintain an action against the insurer in a Federal or State court of original jurisdiction.

(2) RELIEF.—Upon proof of such conduct by a preponderance of the evidence in an action described in paragraph (1), the court may award appropriate relief, including temporary, preliminary, and permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for the aggrieved individual's attorneys and expert witnesses.

(3) STATUTORY DAMAGES.—With respect to compensatory damages in an action described in paragraph (1), the aggrieved individual may elect, at any time prior to the rendering of final judgment, to recover in lieu of actual damages, an award of statutory damages in the amount of $5,000 for each violation.

SEC. 409. EFFECTIVE DATE.

This title shall apply with respect to any action taken on or after the date of enactment of this Act.

TITLE V—WORKPLACE SAFETY PROGRAM TAX CREDIT

SEC. 501. CREDIT FOR COSTS TO EMPLOYERS OF IMPLEMENTING WORKPLACE SAFETY PROGRAMS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

''SEC. 45G. WORKPLACE SAFETY PROGRAM CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the workplace safety program credit determined under this section for the taxable

year is, for any employer, an amount equal to 40 percent of the domestic and sexual violence safety and education costs paid or incurred by such employer during the taxable year.

''(b) DEFINITIONS.—For purposes of this section—

''(1) DOMESTIC AND SEXUAL VIOLENCE SAFETY AND EDUCATION COST.—

''(A) IN GENERAL.—The term 'domestic and sexual violence safety and education cost' means any cost certified by the Secretary of Labor to the Secretary as being for the purpose of—

''(i) ensuring the safety of employees from domestic or sexual violence,

''(ii) providing assistance to employees and the spouses and dependents of employees with respect to domestic or sexual violence,

''(iii) providing legal or medical services to employees and the spouses and dependents of employees subjected to, or at risk from, domestic or sexual violence,

''(iv) educating employees about the issue of domestic or sexual violence, or

''(v) implementing human resource or personnel policies initiated to protect employees from domestic or sexual violence or to support employees who have been victims of domestic or sexual violence.

''(B) TYPES OF COSTS.—Such term includes costs certified by the Secretary of Labor to the Secretary as being for the purpose of—

''(i) the hiring of new security personnel in order to address domestic or sexual violence,

''(ii) the creation of buddy systems or escort systems for walking employees to parking lots, parked cars, subway stations, or bus stops, in order to address domestic or sexual violence,

''(iii) the purchase or installation of new security equipment, including surveillance equipment, lighting fixtures, cardkey access systems, and identification systems, in order to address domestic or sexual violence,

''(iv) the establishment of an employee assistance line or other employee assistance services, in order to address domestic or sexual violence, for the use of individual employees, including counseling or referral services undertaken in consultation and coordination with national, State, or local domestic violence coalitions, sexual assault coalitions, domestic violence programs, or sexual assault programs,

''(v) the retention of an attorney to provide legal services to employees seeking restraining orders or other legal recourse from domestic or sexual violence,

''(vi) the establishment of medical services addressing the medical needs of employees who are victims of domestic or sexual violence,

''(vii) the retention of a financial expert or an accountant to provide financial counseling to employees seeking to escape from domestic or sexual violence,

''(viii) the establishment of an education program for employees, consisting of seminars or training sessions about domestic or sexual violence undertaken in consultation and coordination with national, State, or local domestic violence coalitions, sexual assault coalitions, domestic violence programs, or sexual assault programs,

''(ix) studies of the cost, impact, or extent of domestic or sexual violence at the employer's place of business, if such studies are made available to the public and protect the identity of employees included in the study,

''(x) the publication of a regularly disseminated newsletter or other regularly disseminated educational materials about domestic or sexual violence,

''(xi) the implementation of leave policies for the purpose of allowing or accommodating the needs of victims of domestic or sexual violence to pursue counseling, legal assistance, or safety planning, including leave from work to attend meetings with attorneys, to give evidentiary statements or depositions, and to attend hearings or trials in court,

''(xii) the implementation of flexible work policies for the purpose of allowing or accommodating the needs of employees who are victims of domestic or sexual violence, or employees at risk with respect to such crimes, to avoid assailants,

''(xiii) the implementation of transfer policies for the purpose of allowing or accommodating the needs of employees subjected to domestic or sexual violence to change office locations within the company in order to avoid assailants or to allow the transfer of an employee who has perpetrated domestic or sexual violence in order to protect the victim, including payment of costs for the transfer and relocation of an employee to another city, county, State, or country for the purpose of maintaining an employee's safety from domestic or sexual violence, or

''(xiv) the provision of any of the services described in clauses (iv) through (viii) to the spouses or dependents of employees.

''(C) NOTIFICATION OF POSSIBLE TAX CONSEQUENCES.—In no event shall any cost for goods or services which may be included in the income of any employee receiving or benefiting from such goods or services be treated as a domestic and sexual violence safety and education cost unless the employer notifies the employee in writing of the possibility of such inclusion.

''(2) DOMESTIC OR SEXUAL VIOLENCE.—The term 'domestic or sexual violence' means domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in section 3 of the Security and Financial Empowerment Act.

''(3) DOMESTIC VIOLENCE COALITION; SEXUAL ASSAULT COALITION.—The terms 'domestic violence coalition' and 'sexual assault coalition' have the meanings given the terms in section 3 of the Security and Financial Empowerment Act.

''(4) EMPLOYEE.—The term 'employee' means a person who is an employee, as defined in section 3(9) of the Security and Financial Empowerment Act, except that the person may be employed by any employer described in paragraph (5).

''(5) EMPLOYER.—The term 'employer' means a person who is an employer, as defined in section 3(10) of such Act, determined without regard to the number of individuals employed.

''(c) COORDINATION WITH OTHER PROVISIONS.—No credit or deduction shall be allowed under any other provision of this title for any amount for which a credit is allowed under this section.''.

(b) TREATMENT AS GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following:

''(16) the workplace safety program credit determined under section 45G.''.

(2) TRANSITIONAL RULE FOR CARRYBACKS.—Subsection (d) of section 39 of such Code (relating to transitional rules) is amended by adding at the end the following:

''(11) NO CARRYBACK OF SECTION 45G CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the workplace safety program credit determined under section 45G may be carried back to a taxable year beginning before January 1, 2004.''.

(3) DEDUCTION FOR UNUSED CREDITS.—Subsection (c) of section 196 of such Code (relating to deduction for certain unused business credits) is amended by striking ''and'' at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting '', and'', and by adding at the end the following:

''(11) the workplace safety program credit determined under section 45G.''.

(c) CREDIT NOT A DEFENSE IN LEGAL ACTIONS.—The allowance of a credit under section 45G of the Internal Revenue Code of 1986 (as added by this section) shall not absolve employers of their responsibilities under any other law and shall not be construed as a defense to any legal action (other than legal action by the Secretary of the Treasury under such Code).

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 45G. Workplace safety program credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE VI—NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT

SEC. 601. NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT.

(a) AUTHORITY.—The Attorney General may award a grant in accordance with this section to a private, nonprofit entity or tribal organization that meets the requirements of subsection (b), in order to provide for the establishment and operation of a national clearinghouse and resource center to provide information and assistance to employers, labor organizations, and advocates on behalf of victims of domestic or sexual violence, in their efforts to develop and implement appropriate responses to assist those victims.

(b) GRANTEES.—Each applicant for a grant under this section shall submit to the Attorney General an application, which shall—

(1) demonstrate that the applicant—

(A) has a nationally recognized expertise in the area of domestic violence, dating violence, sexual assault, and stalking, and a record of commitment and quality responses to reduce domestic violence, dating violence, sexual assault, and stalking; and

(B) will provide matching funds from non-Federal sources in an amount equal to not less than 10 percent of the total amount of the grant awarded under this section; and

(2) include a plan to maximize, to the extent practicable, outreach to employers (including private companies, as well as public entities such as universities, and State and local governments) in developing and implementing appropriate responses to assist employees who are victims of domestic or sexual violence.

(c) USE OF GRANT AMOUNT.—A grant under this section may be used for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to assemble, maintain, and disseminate to employers, labor organizations, and advocates described in subsection (a), information on and appropriate responses to domestic violence, dating violence, sexual assault, and stalking, including—

(1) training to promote a better understanding of appropriate assistance to employee victims;

(2) conferences and other educational opportunities;

(3) development of protocols and model workplace policies;

(4) employer- and union-sponsored victim services and outreach counseling; and

(5) assessments of the workplace costs of domestic violence, dating violence, sexual assault, and stalking.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2004 through 2008.

TITLE VII—SEVERABILITY

SEC. 701. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

By Mr. ENZI:

S. 1803. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

Mr. ENZI. Mr. President, this Friday, October 31, families all over America will be celebrating a special holiday that has become a family tradition. On that day, our children will be dressing up as their favorite characters and clowns and heading down the street to scour the neighborhood in search of their favorite candies and sweets. As each group of witches, goblins and ghouls patrols the neighborhood, the cries of ''Trick or Treat'' will be heard everywhere along with the shouts of joy and excitement from each participant as they bring home a bag full of all sorts of candy to share with the whole family.

Although it is a great holiday, there has always been one great concern about it—the safety of our children. It is a concern that stems from the time change that occurs the weekend before Halloween. Unfortunately, when Congress passed legislation authorizing the use of daylight saving time, we drew the lines one week short of Halloween. Instead of including it in the time change boundaries, Congress drew the finish line for daylight saving time one week short, so that it ended the weekend before, instead of after the night so many of our children will be out walking the streets of their neighborhood in pursuit of their favorite holiday treats.

That is why I am pleased to introduce the Halloween Safety Act of 2003. Its purpose is to extend the end date of daylight saving time from the last Sunday in October to the first Sunday in November. This simple, but important, change will ensure that the protections of daylight saving time extend through Halloween.

The idea of extending daylight saving time was introduced to me by Sharon Rasmussen, a second grade teacher from Sheridan, WY and her students. Twelve years ago Mrs. Rasmussen's class began writing to Wyoming's representatives expressing their wish to have an extra hour of daylight on Halloween to ensure the safety of small children. Each year since then I have received a packet of letters from Mrs. Rasmussen's class encouraging my support for this reasonable proposal.

Legislation has been introduced in the past to extend daylight saving time. Although many of the bills sought to change both the starting date and the ending date, the legislation I introduced today would simply extend it for one week.

The reason why such a change needs to be made is readily apparent. According to the Insurance Institute for Highway Safety, over four thousand eight hundred people died in 2001, that is an average of 13 deaths per day. Fatal pedestrian-motor vehicle collisions occur most often between 6 and 9 p.m. Unfortunately, these general trends are highly magnified on Halloween given the considerable increase in pedestrians, most of whom are children. A study by the National Center for Injury Prevention and Control concluded that the occurrence of pedestrian deaths for children ages 5 to 14 is four times higher on Halloween than any other night of the year. School and communities encourage children and parents to use safety measures when children venture out on Halloween and the Halloween Safety Act can further help protect our nation's youth.

When students take an interest in improving our Nation's laws, especially when it would serve to protect other children, I believe it is our duty to pay close attention to their needs and respond if possible. If children concerned about their own safety suggest a reasonable approach to making their world a little bit safer, I believe that accommodating their request is not too much to ask. The fact that second and third grade students in Sheridan, WY have been working on this legislation for years shows that protecting the children of our country is a primary concern of theirs, and it should be for all of us as lawmakers. If one life can be saved or one accident avoided by extending Daylight Saving Time, it would be worthwhile.

I encourage all my colleagues to support this act for the important benefits the Halloween Safety Act of 2003 would have for children and their parents.

By Mr. BREAUX (for himself, Mr. LOTT, and Mr. HOLLINGS):

S. 1804. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Mr. President, I rise today to introduce the Sport Fishing Restoration and Boating Safety Act of 2003. The legislation, cosponsored by Senator LOTT and Senator HOLLINGS is funded through the Aquatic Resources Trust fund, which I am honored to know is commonly referred to as the Wallop-Breaux Trust Fund (Wallop-Breaux). This bill reauthorizes activities funded by two of the Nation's most effective ''user-pay, user-benefit'' programs—the Sport Fish Restoration Fund and the Recreational Boating Safety Fund—which constitute the ''Wallop-Breaux'' program.

In 1984, when I was a member of the House of Representatives, I had the privilege of sponsoring, along with then Senator Malcolm Wallop, what I consider to be the most significant legislation for anglers and boaters to have passed the Congress. We guided through the House and Senate legislation that greatly increased funds for fishery and boating and related programs in virtually every State of our Nation. In 1985, the first year that the Wallop-Breaux amendments were effective, their impact caused the funding for fishing and boating programs to increase from approximately $35 million to $100 million. Funded by a Federal manufacturers' excise taxes on fishing equipment and a percentage of the Federal fuel tax attributed to use in motor boats and small engines, Wallop-Breaux will this year alone provide to the States approximately $450 million to the greatest of outdoor recreations—fishing and boating. It is sometimes difficult to fathom, but over the past nineteen years, Wallop-Breaux has disbursed upwards of $5 billion to the States to improve recreational boating and fishing, promote conservation, protect the environment and to conserve wetlands.

As my colleagues know, Wallop-Breaux and other important programs funded through the Highway Trust Fund received a five-month extension, awaiting consideration of full term reauthorization. Over the last two years, I have met with the American League of Anglers and Boaters (ALAB), the constituent group comprised of 34 organizations representing the spectrum of fishing and boating interests. The purpose of these meetings has been to prepare for introduction of this reauthorization legislation. I am pleased to report that ALAB support the legislation I bring before you today.

Foremost on everyone's agenda was the need to secure a stable and predictable funding base for boating safety grants to the states. The challenge was to increase the funding and dependability of delivery of boating safety grants to the States.

I pledged my support to these Wallop-Breaux constituent groups to enact improvements to the overall program. After countless meetings and considerable deliberation, I am pleased to report that the legislation I am introducing today reflects a general consensus on improving Wallop-Breaux to the benefit of all stakeholders. I want to stress that this would not have been possible without the leadership of Senator LOTT, Senator HOLLINGS and other key members of the committees having joint-jurisdiction over Wallop-Breaux programs. Under the legislation, Boating Safety Grants will now have guaranteed and increased funding. This program will now receive 18 percent of the total Wallop-Breaux, increasing present funding from $64 million to $95 million in the first year of enactment.

The legislation also dissolves the Boat Safety account. The balance currently in the account plus the interest,

approximately $87 million, will be distributed over the next five years to accounts in the fund.

State boat safety grants will now have a 3 to 1 match, the same as the Sport Fish Restoration grants, enabling state funds to go farther by reimbursing them 75 cents for every Federal dollar.

And lastly, all programs funded through Wallop-Breaux will be assigned a percentage of the total fund to allow a simpler and fairer process. When the amount of funds increase or decrease so will all of the programs based upon their percentage.

The growing popularity of recreational boating and fishing has created safety, environmental, and access needs that have been successfully addressed by the two Wallop-Breaux programs—Recreational Boating Safety and Sport Fish Restoration. The reauthorization is important for the safety of boaters, the continued enjoyment of fishermen, and improvement of our wetlands and waterways.

This reauthorization will allow continued funding of programs that benefit boating safety, coastal wetland protection and restoration and sportfish restoration, as well as Clean Vessel Act grants that help to keep our waterways clean.

I appreciate the opportunity to discuss the positive impact of Wallop-Breaux programs in years past, as well as presenting significant improvements contained in the legislation that I am introducing today. I ask that my colleagues join Senator LOTT, Senator HOLLINGS and me in cosponsoring this landmark legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered printed in the RECORD as follows:

S. 1804

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 ''Sport Fishing and Recreational Boating Safety Act''.

TITLE I—FEDERAL AID IN SPORT FISH RESTORATION ACT AMENDMENTS

SEC. 101. AMENDMENT OF FEDERAL AID IN FISH RESTORATION ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Act entitled ''An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,'' approved August 9, 1950 (64 Stat. 430; 16 U.S.C. 777 et seq.).

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 3 (16 U.S.C. 777b) is amended—

(1) by striking ''the succeeding fiscal year.'' in the third sentence and inserting ''succeeding fiscal years.''; and

(2) by striking ''in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport and recreation.'' and inserting ''to supplement the 55.3 percent of each annual appropriation to be apportioned among the States, as provided for in section 4(b) of this Act.''.

SEC. 103. DIVISION OF ANNUAL APPROPRIATIONS.

Section 4 (16 U.S.C. 777c) is amended—

(1) by striking subsections (a) through (d) and redesignating subsections (e), (f), and (g) as subsections (b), (c), and (d);

(2) by inserting before subsection (b), as redesignated, the following:

''(a) IN GENERAL.—For fiscal years 2004 through 2009, each annual appropriation made in accordance with the provisions of section 3 of this Act shall be distributed as follows:

''(1) COASTAL WETLANDS.—18 percent to the Secretary of the Interior for distribution as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.).

''(2) BOATING SAFETY.—18 percent to the Secretary of Homeland Security for State recreational boating safety programs under section 13106 of title 46, United States Code.

''(3) CLEAN VESSEL ACT.—1.9 percent to the Secretary of the Interior for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(4) BOATING INFRASTRUCTURE.—1.9 percent to the Secretary of the Interior for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

''(5) NATIONAL OUTREACH AND COMMUNICATIONS.—1.9 percent to the Secretary of the Interior for the National Outreach and Communications Program under section 8(d) of this Act. Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary for that program may be expended by the Secretary under subsection (b) of this section.

''(6) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THIS CHAPTER.

''(A) In general.—2.1 percent to the Secretary of the Interior for expenses for administration incurred in implementation of this Act, in accordance with this section, section 9, and section 14 of this Act.

''(B) APPORTIONMENT OF UNOBLIGATED FUNDS.—If any portion of the amount made available to the Secretary under subparagraph (a) remains unexpended and unobligated at the end of a fiscal year, that portion shall be apportioned among the States, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (b) of this section, within 60 days after the end of that fiscal year. Any amount apportioned among the States under this subparagraph shall be in addition to any amounts otherwise available for apportionment among the States under subsection (b) for the fiscal year.'';

(3) by striking ''of the Interior, after the distribution, transfer, use, and deduction under subsections (a), (b), (c), and (d), respectively, and after deducting amounts used for grants under section 14, shall apportion the remainder'' in subsection (b), as redesignated, and inserting ''shall apportion 55.3 percent'';

(4) by striking ''per centum'' each place it appears in subsection (b), as redesignated, and inserting ''percent'';

(5) by striking ''subsections (a), (b)(3)(A), (b)(3)(B), and (c)'' in paragraph (1) of subsection (d), as redesignated, and inserting ''paragraphs (1), (3), (4), and (5) of subsection (a)''; and

(6) by adding at the end the following:

''(e) TRANSFER OF CERTAIN FUNDS.—Amounts available under paragraphs (3) and (4) of subsection (a) that are unobligated by the Secretary after 3 fiscal years shall be transferred to the Secretary of Homeland Security and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.''.

SEC. 104. MAINTENANCE OF PROJECTS.

Section 8 (16 U.S.C. 777g) is amended—

(1) by striking ''in carrying out the research program of the Fish and Wildlife Service in respect to fish of material value for sport or, recreation.'' in subsection (b)(2) and inserting ''to supplement the 55.3 percent of each annual appropriation to be apportioned among the States under section 4(b) of this Act.''; and

(2) by striking ''subsection (c) or (d) of section 4'' in subsection (d) (3) and inserting ''paragraph (5) or (6) of section 4(a)''.

SEC. 105. BOATING INFRASTRUCTURE.

Section 7404(d)(1) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)(1)) is amended by striking ''section 4(b)(3)(B)'' and inserting ''section 4(a)(4)''.

SEC. 106. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

Section 9 (16 U.S.C. 777h) is amended—

(1) by striking ''section 4(d)(1)'' in subsection (a) and inserting ''section 4(a)(6)''; and

(2) by striking ''section 4(d)(1)'' in subsection (b)(1) and inserting ''section 4(a)(6)''.

SEC. 107. PAYMENTS OF FUNDS TO AND COOPERATION WITH PUERTO RICO, THE DISTRICT OF COLUMBIA, GUAM, AMERICAN SAMOA, COMMONWEALTH OF THE NORTHERN MARINA ISLANDS, AND VIRGIN ISLANDS.

Section 12 (16 U.S.C. 777k) is amended by striking ''in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation.'' and inserting ''to supplement the 55.3 percent of each annual appropriation to be apportioned among the States under section 4(b) of this Act.''.

SEC. 108. MULTISTATE CONSERVATION GRANT PROGRAM.

Section 14 (16 U.S.C. 777m) is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following: ''(a) IN GENERAL.

''(1) AMOUNT FOR GRANTS.—For each of fiscal years 2004 through 2009, 0.9 percent of each annual appropriation made in accordance with the provisions of section 3 of this Act shall be distributed to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.'';

(2) by striking ''section 4(e)'' each place it appears in subsection (a)(2)(B) and inserting ''section 4(b)''; and

(3) by striking ''Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a)—'' in subsection (e) and inserting ''Of amounts made available under section 4(a)(6) for each fiscal year—''.

TITLE II—AMENDMENTS TO THE TRUST FUND CODE

SEC. 201. TRANSFERS FROM THE TRUST FUND FOR MOTORBOAT FUEL TAXES.

Paragraph (4) of section 9503(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)) is amended—

(1) by striking so much of that paragraph as precedes subparagraph (C) and inserting the following:

''(4) TRANSFERS FROM THE TRUST FUND FOR MOTORBOAT FUEL TAXES.

''(A) TRANSFER TO LAND AND WATER CONSERVATION FUND.

''(i) IN GENERAL.—The Secretary shall pay from time to time from the Highway Trust

Fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965 amounts (as determined by him) equivalent to the motorboat fuel taxes received on or after October 1, 2003, and before October 1, 2009.

''(ii) LIMITATION.—The aggregate amount transferred under this subparagraph during any fiscal year shall not exceed $1,000,000.

''(B) EXCESS FUNDS TRANSFERRED TO SPORT FISH RESTORATION ACCOUNT.—Any amounts received in the Highway Trust Fund—

''(i) which are attributable to motorboat fuel taxes, and

''(ii) which are not transferred from the Highway Trust Fund under subparagraph (A),

shall be transferred by the Secretary from the Highway Trust Fund into the Sport Fish Restoration Account in the Aquatic Resources Trust Fund.''; and

(2) By striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 202. EXPENDITURES FROM THE BOAT SAFETY ACCOUNT.

Section 9504(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9504(c)) is amended to read as follows:

''(c) EXPENDITURES FROM BOAT SAFETY ACCOUNT.—Amounts in the Boat Safety Account on the date of enactment of the Sport Fishing and Recreational Boating Safety Act, and amounts thereafter credited to the Account under section 9602(b), shall be available, without further appropriation, in the following amounts:

''(1) In fiscal year 2004, $28,155,000 shall be distributed—

''(A) under section 4 of the Act entitled ''An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,'' approved August 9, 1950 (16 U.S.C. 777c) in the following manner:

''(i) $11,200,000 to be added to funds available under subsection (a)(2) of that section,

''(ii) $1,245,000 to be added to funds available under subsection (a)(3) of that section,

''(iii) $1,245,000 to be added to funds available under subsection (a)(4) of that section,

''(iv) $1,245,000 to be added to funds available under subsection (a)(5) of that section, and

''(v) $12,800,000 to be added to funds available under subsection (b) of that section, and

''(B) under section 14 of that Act (16 U.S.C. 777m), $420,000, to be added to funds available under subsection (a)(1) of that section.

''(2) In fiscal year 2005, $22,419,000 shall be distributed—

''(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

''(i) $8,075,000 to be added to funds available under subsection (a)(2) of that section,

''(ii) $713,000 to be added to funds available under subsection (a)(3) of that section,

''(iii) $713,000 to be added to funds available under subsection (a)(4) of that section,

''(iv) $713,000 to be added to funds available under subsection (a)(5) of that section, and

''(v) $11,925,000 to be added to funds available under subsection (b) of that Act, and

''(B) under section 14 of that Act (16 U.S.C. 777m), $280,000 to be added to funds available under subsection (a)(1) of that section.

''(3) In fiscal year 2006, $17,139,000 shall be distributed—

''(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

''(i) $6,800,000 to be added to funds available under subsection (a)(2) of that section,

''(ii) $333,000 to be added to funds available under subsection (a)(3) of that section,

''(iii) $333,000 to be added to funds available under subsection (a)(4) of that section,

''(iv) $333,000 to be added to funds available under subsection (a)(5) of that section, and

''(v) $9,200,000 to be added to funds available under subsection (b) of that section, and

''(B) under section 14 of that Act (16 U.S.C. 777m), $140,000, to be added to funds available under subsection (a)(1) of that section.

''(4) In fiscal year 2007, $12,287,000 shall be distributed—

''(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

''(i) $5,100,000 to be added to funds available under subsection (a)(2) of that section,

''(ii) $48,000 to be added to funds available under subsection (a)(3) of that section,

''(iii) $48,000 to be added to funds available under subsection (a)(4) of that section,

''(iv) $48,000 to be added to funds available under subsection (a)(5) of that section, and

''(v) $6,900,000 to be added to funds available under subsection (b) of that section, and

''(B) under section 14 of that Act (16 U.S.C. 777m), $143,000, to be added to funds available under subsection (a)(1) of that section.

''(5) In fiscal year 2008, all remaining fiends in the Account shall be distributed under section 4 of that Act (16 U.S.C. 777c) in the following manner:

''(A) one-third to be added to funds available under subsection (b), and

''(B) two-thirds to be added to funds available under subsection (h).''.

TITLE III—CLEAN VESSEL ACT AMENDMENTS

SEC. 301. GRANT PROGRAM.

Section 5604(C)(2) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

TITLE IV—RECREATIONAL BOATING SAFETY PROGRAM AMENDMENTS

SEC. 401. STATE MATCHING FUNDS REQUIREMENT.

Section 13103(b) of title 46, United States Code, is amended by striking ''one-half'' and inserting ''75 percent''.

SEC. 402. AVAILABILITY OF ALLOCATIONS.

Section 13104(a) of title 46, United States Code, is amended—

(1) by striking ''2 years'' in paragraph (1) and inserting ''3 years''; and

(2) by striking ''2–year'' in paragraph (2) and inserting ''3-year''.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.

Section 13106(c) of title 46, United States Code, is amended—

(1) by striking ''Secretary of Transportation under paragraphs (2) and (3) of section 4(b)'' and inserting ''Secretary under subsections (a)(2) and (e) of section 4''; and

(2) by inserting ''a minimum of'' before ''$2,000,000''.

SEC. 404. MAINTENANCE OF EFFORT FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.

(a) IN GENERAL.—Chapter 131 of title 46, United States Code, is amended by inserting after section 13106 the following:

''§ 13107. Maintenance of effort for State recreational boating safety programs

''(a) IN GENERAL.—The amount payable to a State for a fiscal year from an allocation under section 13103 of this chapter shall be reduced if the usual amounts expended by the State for the State's recreational boating safety program, as determined under section 13105 of this chapter, for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years immediately preceding that previous fiscal year. The reduction shall be proportionate, as a percentage, to the amount by which the level of State expenditures for such previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years immediately preceding that previous fiscal year.

''(b) REDUCTION OF THRESHHOLD.—If the total amount available for allocation and distribution under this chapter in a fiscal year for all participating State recreational boating safety programs is less than such amount for the preceding fiscal year, the level of State expenditures required under subsection (a) of this section for the preceding fiscal year shall be decreased proportionately.

''(c) WAIVER.—

''(1) IN GENERAL.—Upon the written request of a State, the Secretary may waive the provisions of subsection (a) of this section for 1 fiscal year if the Secretary determines that a reduction in expenditures for the State's recreational boating safety program is attributable to a non-selective reduction in expenditures for the programs of all Executive branch agencies of the State government, or for other reasons if the State demonstrates to the Secretary's satisfaction that such waiver is warranted.

''(2) 30-DAY DECISION.—The Secretary shall approve or deny a request for a waiver not later than 30 days after the date the request is received.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 131 of title 46, United States Code, is amended by inserting after the item relating to section 13106 the following:

''13107. Maintenance of effort for State recreational boating safety programs.''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

SENATE RESOLUTION 255—SUPPORTING THE NATIONAL RAILROAD HALL OF FAME, INC., OF GALESBURG, ILLINOIS, IN ITS ENDEAVOR TO ERECT A MONUMENT KNOWN AS THE NATIONAL RAILROAD HALL OF FAME

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 255

Whereas Galesburg, Illinois, has been linked to the history of railroading since 1849 when the Peoria and Oquawka Railroad was organized;

Whereas the citizens of Galesburg supported a railroad to Chicago which was chartered as the Central Military Tract Railroad in 1851;

Whereas upon completion of the Central Military Tract Railroad, the Northern Cross Railroad joined the Central Military Tract Railroad at Galesburg;

Whereas in 1886 Galesburg secured the Atchison, Topeka, and Santa Fe Railway and became one of the few places in the world served by 2 major railroads;

Whereas the National Railroad Hall of Fame, Inc., has been established in Galesburg and chartered under the laws of the State of Illinois as a not-for-profit corporation;

Whereas the objectives of the National Railroad Hall of Fame, Inc., include (1) perpetuating the memory of leaders and innovators in the railroad industry, (2) fostering, promoting, and encouraging a better understanding of the origins and growth of

railroads, especially in the United States, and (3) establishing and maintaining a library and collection of documents, reports, and other items of value to contribute to the education of all persons interested in railroading; and

Whereas the National Railroad Hall of Fame, Inc., is planning to erect a monument known as the National Railroad Hall of Fame to honor the men and women who actively participated in the founding and development of the railroad industry in the United States: Now, therefore, be it

Resolved, That the Senate supports the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

SENATE CONCURRENT RESOLUTION 78—CONDEMNING THE REPRESSION OF THE IRANIAN BAHA'I COMMUNITY AND CALLING FOR THE EMANCIPATION OF IRANIAN BAHA'IS

Mr. LEIBERMAN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 78

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, and 2000, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Bahá'í Faith;

Whereas in those resolutions and in numerous other appeals, Congress has deplored the religious persecution by the Government of Iran of the Bahá'í community and has condemned the execution by Iran of more than 200 Bahá'ís and the disruptive imprisonment of thousands of others solely on account of their religious beliefs;

Whereas Iranian Bahá'ís are not permitted to elect their leaders, assemble or organize as a community, operate religious schools, or conduct other religious community activities that are guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984;

Whereas the continued denial of Bahá'í property rights by the Iranian Government is demonstrated by the confiscation by the Iranian Government of a multitude of Bahá'í community and private properties;

Whereas the Government of Iran continues to deny individual Bahá'ís access to higher education and government employment, in addition to denying recognition and religious rights to the Bahá'í community;

Whereas because Bahá'ís have been banned from teaching and studying at Iranian universities since the Islamic Revolution, Bahá'ís established the Bahá'í Institute of Higher Education, or Bahá'í Open University, to provide educational opportunities to Bahá'í youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October of 1998, officers of the Ministry of Information, the intelligence agency of the Iranian Government, arrested 36 faculty members of the Open University;

Whereas on July 19, 2002, Iranian Revolutionary Guards systematically disrupted student qualifying examinations for the Open University in 9 different districts by videotaping the proceedings, questioning the students, and confiscating examination papers and Bahá'í books;

Whereas the use of arbitrary arrests, suspended sentences, and short-term detentions against the Iranian Bahá'ís have become widespread;

Whereas as of June 2003, 4 Bahá'ís remain in Iranian prisons solely because of their religious beliefs: 1 serving a life sentence on charges of apostasy, 1 serving 4 years on charges of participation in Bahá'í activities, and 2 sentenced to 15 years imprisonment on charges of association with Bahá'í institutions;

Whereas on October 10, 2003, the Norwegian Nobel Committee awarded the Nobel Peace Prize for 2003 to Shirin Ebadi for her efforts involving democracy and human rights, including advocating equal rights for the Bahá'í community in Iran;

Whereas the conclusions contained in the report of October 13, 2003 by the General Affairs and External Relations Council of the European Union, conveyed the continuing concern of the European Union about the violations of the Bahá'ís' right to freedom of religion, and urged the Iranian Government to comply with both the recommendations made in June 2003 by the United Nations Working Group on Arbitrary Detention and with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination concerning injustice, particularly in relation to education, property rights, and employment; and

Whereas in the 2003 General Affairs and External Relations Council report, the European Union urged the Government of Iran to expedite reform on many fronts, while recognizing the meetings held in 2003 and the planned meetings that have been welcomed by the Government of Iran, to be an important step toward progress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that Congress—

(1) continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Bahá'í community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international agreements guaranteeing the civil and political rights of Iranian citizens;

(2) condemns the repressive anti-Bahá'í policies and actions of the Government of Iran, including the denial of legal recognition to the Bahá'í community and the basic rights to organize, elect leaders, educate youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Bahá'ís continue to suffer from severely repressive and discriminatory government actions, solely on account of their religion;

(4) urges the Government of Iran to permit Bahá'í students to attend Iranian universities and Bahá'í faculty to teach at Iranian universities, to return the property confiscated from the Bahá'í Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Bahá'í community made by the United Nations Working Group on Arbitrary Detention and also to comply with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination;

(6) urges the Government of Iran to extend to the Bahá'í community the rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants of human rights, including the freedoms of thought, conscience, and religion, and equal protection of the law;

(7) calls upon the President to continue to—

(A) assert the concerns of the United States Government regarding—

(i) the violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;

(ii) the support by the Iranian Government of international terrorism; and

(iii) the efforts of the Iranian Government to develop nuclear weapons and acquire weapons of mass destruction;

(B) emphasize that the United States regards the human rights practices of the Government of Iran, including its treatment of the Bahá'í community and other religious minorities, as a significant factor in the development of relations between the United States and Iran;

(C) urge the Government of Iran to emancipate the Bahá'í community by granting those rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants on human rights; and

(D) cooperate with international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Bahá'ís and other minorities through joint appeals to the Government of Iran; and

(8) calls upon the President to—

(A) initiate an active and consistent dialogue with other governments who are influential with Iran in order to persuade the Government of Iran to rectify its human rights practices; and

(B) urge the European Union to use its relationship with Iran to address and advance these fundamental human rights issues.

Mr. LIEBERMAN. Mr. President, it is with continued concern that my respected colleagues and I bring to the Senate's attention for the ninth time in 21 years the continuing persecution of a minority religious group in Iran, the Bahá'í, by submitting today the Bahá'í Emancipation Act of 2003.

I fervently believe that the persistent maltreatment of the Bahá'í as well as other minority religious groups in Iran epitomizes the perilous state of affairs in the country of Iran. Thus, it is with a genuine compassion for all of the people of Iran but particularly for the followers of the Bahá'í faith that my colleagues and I are submitting this resolution highlighting the continuing abuse of this segment of the Iranian population. We are urging that the Bahá'í not only remain at the center of our attention, but that we join forces with other like-minded nations to put pressure on the Government of Iran to make permanent and lasting changes that will allow not only the followers of the Bahá'í faith but all people to live in peace and prosperity in Iran. Consistent attention of the nature represented by this resolution and its predecessors is necessary in order to achieve full emancipation for this peaceful, law-abiding community.

Although it appears that the overt measures used by the Government of Iran to harass and oppress the members of the Bahá'í faith since 1979 have

diminished, research by my staff indicates that a multitude of covert practices have been sustained and in many cases heightened over the past few years. Members of the Bahá'í community continue to be subject to various forms of harassment including arbitrary arrest and short-term detainment, confiscation of their public and private property, and disruption of their educational and religious gatherings. Moreover, the Bahá'í community continues to be deprived of many rights such as the right to elect their leaders, assemble as a community, access higher education, acquire government employment, receive due legal process, and practice the faith of their preference. As of June of this year, four Bahá'í practitioners were in Iranian prisons solely because of their religious beliefs: one on charges of apostasy who is serving a life sentence, one on charges of participation in Bahá'í activities who is serving four years, and two on charges of associations with Bahá'í institutions who have been sentenced to 15 years of imprisonment. This was unacceptable in the 18th, 19th, and 20th centuries and it certainly is unacceptable in the 21st century.

I would like to emphasize the idea of religious freedom because I strongly feel that each human being should have the right to choose and practice the faith of his or her choice. Iran has traditionally been designated a Country of Particular Concern in the Congressionally-mandated annual report as required by the International Religious Freedom Act. But, rather than being satisfied that the Government of Iran is reprimanded in this report, we need to take proactive steps to publicize the continued mistreatment of the Bahá'í faithful in Iran and to urge the Government of Iran to make the necessary changes. Legislation such as this is an important first step, but we must also work with others, including the European Union, to push for this objective. This legislation urges that the Administration do just that.

I would also like to take this opportunity to bring to the Senate's attention two related pieces of legislation, both of which I have joined as a cosponsor. The first is S. Res. 244 submitted by Senator BOXER that congratulates Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for a lifetime of work promoting democracy and human rights. Shirin Ebadi is a very courageous woman who has risked her life to advocate for universal human rights and on many occasions specifically advocated equal rights for the Bahá'í community in Iran. I commend her global efforts and encourage the spreading of her convictions in order to attain a world of equal rights for all.

The second related piece of legislation that I am co-sponsoring is S. Con. Res. 73 submitted by Senator FEINSTEIN that expresses Congress's deep concerns over Iran's apparent efforts to develop nuclear weapons in contravention of its Nuclear Non-proliferation Treaty obligations and urging international pressure on Iran to abandon its nuclear weapons program. I am aware of the progress that has been made in recent days with the Iranian government's statements of intended cooperation with both the International Atomic Energy Agency's request that Iran sign an additional protocol to the Non-Proliferation Treaty and the recent negotiations involving the European Union but I remain wary of their actual intentions and I believe that we should not rest until the words that have been spoken have been followed up with concrete action.

Iran needs to be aware that it must make significant changes in the way it treats its own population and in the manner in which it conducts itself internationally if it wants to become a respected member on the world stage. These requests include but are not limited to cooperating with the European Union and potentially the United Nations, dealing appropriately with the infiltration of suspected terrorists and criminals along their border, halting all forms of terrorist support, cooperating with the U.S. and others on suspected terrorists and intelligence in conjunction with the global war on terror, and especially to provide human rights for each man, woman, and child in Iran regardless of creed or color. Iran must alter their enduring ways in order to earn international respect and to create better lives for all Iranians. A world where Iran is a respected and integral participant, where its inhabitants can co-exist and pursue happiness without constraint is not beyond our grasp but it will take continued focus and determination. I urge passage of the Bahá'í Emancipation Act of 2003 and recommend this administration to use all of the tools in its diplomatic toolbox to work through the United Nations, the IAEA, and with our friends and allies to strongly advise the government of Iran to exploit its full potential as a member of the international community.

AMENDMENTS SUBMITTED & PROPOSED

SA 2030. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

SA 2031. Mr. BINGAMAN (for himself, Mr. REID, and Ms. CANTWELL) proposed an amendment to the bill H.R. 1904, supra.

SA 2032. Mr. SANTORUM (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 2033. Ms. COLLINS (for herself, Mr. REED, Mr. HARKIN, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table.

SA 2034. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2035. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, supra.

SA 2036. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, supra.

SA 2037. Mr. BAUCUS (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2038. Ms. CANTWELL (for herself and Mr. JEFFORDS) submitted an amendment intended to be proposed by her to the bill H.R. 1904, supra.

SA 2039. Mr. LEAHY (for himself, Mrs. BOXER, Mr. HARKIN, Mr. BINGAMAN, and Mr. DURBIN) proposed an amendment to the bill H.R. 1904, supra.

SA 2040. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2041. Mr. ENSIGN (for himself, Ms. CANTWELL, and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2042. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, supra.

SA 2043. Mrs. BOXER (for herself and Mr. REID) proposed an amendment to the bill H.R. 1904, supra.

SA 2044. Mr. LUGAR (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2045. Mr. HARKIN (for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. BOXER, Mr. LEAHY, and Mr. DURBIN) proposed an amendment to the bill H.R. 1904, supra.

SA 2046. Mr. COCHRAN proposed an amendment to the bill H.R. 1904, supra.

SA 2047. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. CORZINE, Mr. BINGAMAN, Ms. STABENOW, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

SA 2048. Mr. BINGAMAN (for himself and Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, supra.

SA 2049. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2050. Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill H.R. 2800, supra.

TEXT OF AMENDMENTS

SA 2030. Mrs. MURRAY submitted an amendment intended to be proposed by

her to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

On page 17, line 16, after ''(3)'' insert ''(4)''

On page 18, line 23, strike ''by implementing'' and insert ''and implement''

On page 19, line 11, strike ''by implementing'' and insert ''and implement''

SA 2031. Mr. BINGAMAN (for himself, Mr. REID, and Ms. CANTWELL) proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following two new sections:

SEC. . BORROWING AUTHORITY FOR FIRE SUPPRESSION.

(a) IN GENERAL.—The Secretary of the Treasury shall, upon the request of the Secretary of Agriculture, make available to the Secretary of Agriculture, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary in each fiscal year to carry out fire suppression activities. The Secretary of Agriculture may make such request only if fire suppression costs exceed the amount of funding available to the Forest Service for fire suppression in a fiscal year.

(b) AUDIT.—Not later than 180 days after the Secretary of Agriculture exercises the authority provided by this section, the Inspector General of the Department of Agriculture shall submit to the Secretary and to the Congress an audit of expenditures of funds provided under this section. Upon a determination by the Inspector General that specific amounts of such funds were used for purposes other than fire suppression, or upon a determination that specific expenditures of such funds were both unreasonable and excessive, the Secretary, not later than 30 days after receiving the audit of the Inspector General, shall reimburse the Treasury, out of unobligated balances for the Forest Service for the fiscal year in which the funds were provided, for the amounts so identified by the Inspector General.

SEC. . COMMUNITY PROTECTION AND BURNED AREA RESTORATION.

(a) IN GENERAL.—During fiscal years 2004 through 2008, the Secretaries shall carry out a joint program to reduce the risk of wildfire to structures and restore burned areas on non-Federal lands, including county-owned lands, tribal lands, nonindustrial private lands, and State lands, using the authorities available pursuant to this section, the National Fire Plan and the Emergency Watershed Protection program.

(b) COST SHARE GRANTS.—In implementing this section, the Secretaries may make cost-share grants to Indian tribes, local fire districts, municipalities, homeowner associations, and counties, to remove, transport, and dispose of hazardous fuels around homes and property to—

(1) prevent structural damage as a result of wildfire, or

(2) to restore or rehabilitate burned areas on non-Federal lands.

(c) NON-FEDERAL CONTRIBUTION.—The non-Federal contribution may be in the form of cash or in-kind contribution.

(d) APPROPRIATION AND AVAILABILITY OF FUNDS.—The Secretary of the Treasury shall make available to the Secretaries out of any money in the Treasury not otherwise appropriated $100,000,000 for each of fiscal years 2004 through 2008 to carry out this section, which shall remain available until expended.

SA 2032. Mr. SANTORUM (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25)) is amended by striking ''subparagraph (A)'' and inserting ''clause (i)''.

SA 2033. Ms. COLLINS (for herself, Mr. REED, Mr. HARKIN, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8___. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM; FOREST LEGACY PROGRAM.

(a) SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''SEC. 21. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COMMITTEE.—The term 'Committee' means a State Forest Stewardship Coordinating Committee established under section 19(b).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a unit of local government or a nonprofit organization that—

''(A) the Secretary determines, in accordance with the criteria established under subsection (c)(1)(A)(ii)(II) is eligible to receive a grant under subsection (c)(2); and

''(B) the State forester, in consultation with the Committee, determines—

''(i) has the abilities necessary to acquire and manage interests in real property; and

''(ii) has the resources necessary to monitor and enforce any terms applicable to the eligible project.

''(3) ELIGIBLE PROJECT.—The term 'eligible project' means a fee purchase, easement, or donation of land to conserve private forest land identified for conservation under subsection (c)(1)(A)(ii)(I).

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(5) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that is—

''(A) described in section 501(c) of the Internal Revenue Code of 1986; and

''(B) exempt from taxation under 501(a) of the Internal Revenue Code of 1986.

''(6) PRIVATE FOREST LAND.—The term 'private forest land' means land that is—

''(A) capable of producing commercial forest products; and

''(B) owned by—

''(i) a private entity; or

''(ii) an Indian tribe.

''(7) PROGRAM.—The term 'program' means the Suburban and Community Forestry and Open Space Program established by subsection (b).

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Forest Service a program to be known as the 'Suburban and Community Forestry and Open Space Program'.

''(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out eligible projects in States in which less than 25 percent of the land is owned by the United States to—

''(A) conserve private forest land and maintain working forests in areas threatened by significant suburban sprawl or by conversion to nonforest uses; and

''(B) provide communities a means by which to address significant suburban sprawl.

''(c) GRANT PROGRAM.—

''(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

''(A) CRITERIA.—

''(i) NATIONAL CRITERIA.—The Secretary shall establish national eligibility criteria for the identification of private forest land that may be conserved under this section.

''(ii) STATE CRITERIA.—The State forester, in consultation with the Committee, shall, based on the criteria established under clause (i), and subject to the approval of the Secretary, establish criteria for—

''(I) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

''(II) the identification of eligible entities.

''(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(ii)(I) shall be land that—

''(i) is located in a State in which less than 25 percent of the land is owned by the United States; and

''(ii) as determined by the State forester, in consultation with the Committee and subject to the approval of the Secretary—

''(I) is located in an area that is affected, or threatened to be affected, by significant

suburban sprawl, taking into account housing needs in the area; and

''(II) is threatened by present or future conversion to nonforest use.

''(2) GRANTS.—

''(A) ELIGIBLE PROJECTS.—

''(i) IN GENERAL.—In carrying out this section, the Secretary shall award competitive grants to eligible entities to carry out eligible projects.

''(ii) PUBLIC ACCESS.—Eligible entities are encouraged to provide public access to land on which an eligible project is carried out.

''(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit to the State forester—

''(i) at such time and in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant and a description of the extent of the threat of conversion to nonforest use); and

''(ii) a stewardship plan that describes the manner in which—

''(I) any private forest land to be conserved using funds from the grant will be managed in accordance with this section;

''(II) the stewardship plan will be implemented; and

''(III) the public benefits to be achieved from implementation of the stewardship plan.

''(C) ASSESSMENT OF NEED.—With respect to an application submitted under subparagraph (B), the State forester shall—

''(i) assess the need for preserving suburban forest land and open space and containing suburban sprawl in the State, taking into account the housing needs of the area in which the eligible project is to be carried out; and

''(ii) submit to the Secretary—

''(I) the application submitted under subparagraph (B); and

''(II) the assessment of need.

''(D) APPROVAL OR DISAPPROVAL.—

''(i) IN GENERAL.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (C)(ii) or a resubmission under subclause (II)(bb)(BB), the Secretary shall—

''(I) review the application; and

''(II)(aa) award a grant to the applicant; or

''(bb)(AA) disapprove the application; and

''(BB) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

''(ii) CONSIDERATIONS; PRIORITY.—In awarding grants under this section, the Secretary shall—

''(I) consider the need for the eligible project based on the assessment of need submitted under subparagraph (C) and subject to any criteria under paragraph (1); and

''(II) give priority to applicants that propose to fund eligible projects that promote—

''(aa) the preservation of suburban forest land and open space;

''(bb) the containment of suburban sprawl;

''(cc) the sustainable management of private forest land;

''(dd) community involvement in determining the objectives for eligible projects that are funded under this section; and

''(ee) community and school education programs and curricula relating to sustainable forestry.

''(3) COST SHARING.—

''(A) IN GENERAL.—The amount of a grant awarded under this section to carry out an eligible project shall not exceed 50 percent of the total cost of the eligible project.

''(B) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

''(C) FORM.—The share of the cost of carrying out any eligible project described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind (including a donation of land).

''(d) USE OF GRANT FUNDS FOR PURCHASES OF LAND OR EASEMENTS.—

''(1) PURCHASES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

''(B) SALES AT LESS THAN FAIR MARKET VALUE.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on certification by the landowner that the sale is being entered into willingly and without coercion.

''(2) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

''(A) a State;

''(B) a unit of local government; or

''(C) a nonprofit organization.

''(3) TERMINATION OF EASEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), all right, title, and interest of a unit of local government or nonprofit organization in and to a conservation easement shall terminate and vest in the State if the State determines that—

''(i) the unit of local government or nonprofit organization is unable or unwilling to enforce the terms of the conservation easement; or

''(ii) the conservation easement has been modified in a way that is inconsistent with the purposes of the program.

''(B) CONVEYANCE TO ANOTHER UNIT OF LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION.—If the State makes a determination under subparagraph (A), the State may convey or authorize the unit of local government or nonprofit organization to convey the conservation easement to another unit of local government or nonprofit organization.

''(e) ADMINISTRATIVE COSTS.—The State, on approval of the Secretary and subject to any regulations promulgated by the Secretary, may use amounts made available under subsection (g) to pay the administrative costs of the State relating to the program.

''(f) REPORT.—The Secretary shall submit to Congress a report on the eligible projects carried out under this section in accordance with section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $50,000,000 for fiscal year 2004; and

''(2) such sums as are necessary for each fiscal year thereafter.''.

(b) FOREST LEGACY PROGRAM.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (c), by striking the last sentence;

(2) in subsection (i), by striking ''subsection (b)'' and inserting ''this section'';

(3) in subsection (j)(1), by inserting ''(other than by donation)'' after ''acquired'';

(4) in subsection (k)(2), by striking ''the United States or its'' and inserting ''the United States, a State, or other entity, or their''; and

(5) in subsection (l), by adding at the end the following:

''(3) STATE AUTHORIZATION.—

''(A) DEFINITION OF STATE FORESTER.—The term 'State forester' has the meaning given the term in section 4(k).

''(B) IN GENERAL.—Notwithstanding subsection (c) and paragraph (2)(B), the Secretary shall, on request by a State, authorize the State to allow a qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) and that is organized for at least 1 of the purposes described in section 170(h)(4)(A) of that Code, using amounts granted to a State under this paragraph, to acquire 1 or more conservation easements to carry out the Forest Legacy Program in the State.

''(C) ELIGIBILITY.—To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization described in subparagraph (B) shall, as determined by the Secretary, acting through the State forester, demonstrate the abilities necessary to acquire, monitor, and enforce interests in forest land consistent with the Forest Legacy Program and the assessment of need for the State.

''(D) MONITORING AND ENFORCEMENT.—

''(i) IN GENERAL.—A qualified organization that acquires a conservation easement under this paragraph shall be responsible for monitoring and enforcing the terms of the conservation easement and any of the costs of the qualified organization associated with such monitoring and enforcement.

''(ii) CONTINGENT RIGHTS.—If a qualified organization that acquires a conservation easement under this paragraph fails to enforce the terms of the conservation easement, as determined by the State, the State or the Secretary shall have the right to enforce the terms of the conservation easement under Federal or State law.

''(iii) AMENDMENTS.—Any amendments to a conservation easement that materially affect the terms of the conservation easement shall be subject to approval by the Secretary or the State, as appropriate.

''(E) TERMINATION OF EASEMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), all right, title, and interest of a qualified organization described in subparagraph (B) in and to a conservation easement shall terminate and vest in the State or a qualified designee if the State determines that—

''(I) the qualified organization fails to enforce the terms of the conservation easement;

''(II) the conservation easement has been modified in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

''(III) the conservation easement has been conveyed to another person (other than to a qualified organization).

''(ii) CONVEYANCE TO ANOTHER QUALIFIED ORGANIZATION.—If the State makes a determination under clause (i), the State may convey or authorize the qualified organization to convey the conservation easement to another qualified organization.

''(F) IMPLEMENTATION.—The Secretary, acting through the State forester, shall implement this paragraph in accordance with the assessment of need for the State as approved by the Secretary.''.

SA 2034. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the

Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8___. SOIL AND FOREST CARBON SEQUESTRATION PROGRAM

(a) DEFINITIONS.—In this section:

(1) ADVISORY PANEL.—The term ''Advisory Panel'' means the Soil and Forestry Carbon Sequestration Panel established under subsection (d).

(2) ELIGIBLE FOREST CARBON ACTIVITY.—The term ''eligible forest carbon activity'' means a forest management action that—

(A)(i) helps restore forest land that has been underproducing or understocked for more than 5 years; or

(ii) maintains natural forest under a permanent conservation easement;

(B) provides for protection of a forest from nonforest use;

(C) allows a variety of sustainable management alternatives;

(D) maintains or improves a watershed or fish and wildlife habitat; or

(E) demonstrates permanence of carbon sequestration and promotes and sustains native species.

(3) FOREST CARBON RESERVOIR.—The term ''forest carbon reservoir'' means carbon that is stored in aboveground or underground soil and other biomass that are associated with a forest ecosystem.

(4) FOREST CARBON SEQUESTRATION PROGRAM.—The term ''forest carbon sequestration program'' means the program established under subsection (b).

(5) FOREST LAND.—

(A) IN GENERAL.—The term ''forest land'' means a parcel of land that is, or has been, at least 10 percent stocked by forest trees of any size.

(B) INCLUSIONS.—The term ''forest land'' includes—

(i) land on which forest cover may be naturally or artificially regenerated; and

(ii) a transition zone between a forested area and nonforested area that is capable of sustaining forest cover.

(6) FOREST MANAGEMENT ACTION.—

(A) IN GENERAL.—The term ''forest management action'' means an action that—

(i) applies forestry principles to the regeneration, management, use or conservation of forests to meet specific goals and objectives;

(ii) demonstrates permanence of carbon sequestration and promotes and sustains native species; and

(iii) maintains the ecological sustainability and productivity of the forests or protects natural forests under a permanent conservation easement.

(B) INCLUSIONS.—The term ''forest management action'' includes management and use of forest land for the benefit of aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, or other forest values.

(7) REFORESTATION.—

(A) IN GENERAL.—The term ''reforestation'' means the reestablishment of forest cover naturally or artificially.

(B) INCLUSIONS.—The term ''reforestation'' includes planned replanting, reseeding, and natural regeneration.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(9) SOIL CARBON SEQUESTRATION PROGRAM.—The term ''soil carbon sequestration program'' means the program established under subsection (c).

(10) STATE.—The term ''State'' includes a political subdivision of a State.

(11) WILLING OWNER.—The term ''willing owner'' means a State or local government, Indian tribe, private entity, or other person or non-Federal organization that owns forest land and is willing to participate in the forest carbon sequestration program.

(b) FOREST CARBON SEQUESTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service and in collaboration with State foresters, State resource management agencies, and interested nongovernmental organizations, shall establish a forest carbon sequestration program under which the Secretary, directly or through agreements with 1 or more States, may enter into cooperative agreements with willing owners of forest land to carry out forest management actions or eligible forest carbon activities on not more than a total of 5,000 acres of forest land holdings to create or maintain a forest carbon reservoir.

(2) ASSISTANCE TO STATES.—

(A) IN GENERAL.—The Secretary shall provide assistance to States for the purpose of entering into cooperative agreements with willing owners of forest land to carry out eligible forest carbon activities on forest land.

(B) REPORTING.—As a condition of receiving assistance under subparagraph (A), a State shall annually submit to the Secretary a report disclosing the estimated quantity of carbon stored through the cooperative agreement.

(3) BONNEVILLE POWER ADMINISTRATION.—Each of the States of Washington, Oregon, Idaho, and Montana may apply for funding from the Bonneville Power Administration for purposes of funding a cooperative agreement that meets the fish and wildlife objectives and priorities of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), but only to the extent the cooperative agreement also meets the objectives of this subsection.

(c) SOIL CARBON SEQUESTRATION PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary, acting through the Natural Resources Conservation Service and in cooperation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall carry out 4 or more pilot programs to—

(i) develop, demonstrate, and verify the best management practices for enhanced soil carbon sequestration on agricultural land; and

(ii) evaluate and establish standardized monitoring and verification methods and protocols.

(B) CRITERIA.—The Secretary shall select a pilot program based on—

(i) the merit of the proposed program; and

(ii) the diversity of soil types, climate zones, crop types, cropping patterns, and sequestration practices available at the site of the proposed program.

(2) REQUIREMENTS.—A pilot program carried out under this subsection shall—

(A) involve agricultural producers in—

(i) the development and verification of best management practices for carbon sequestration; and

(ii) the development and evaluation of carbon monitoring and verification methods and protocols on agricultural land;

(B) involve research and testing of the best management practices and monitoring and verification methods and protocols in various soil types and climate zones;

(C) analyze the effects of the adoption of the best management practices on—

(i) greenhouse gas emissions, water quality, and other aspects of the environment at the watershed level; and

(ii) the full range of greenhouse gases; and

(D) use the results of the research conducted under the program to—

(i)(I) develop best management practices for use by agricultural producers;

(II) provide a comparison of the costs and net greenhouse effects of the best management practices; and

(III) encourage agricultural producers to adopt the best management practices; and

(ii) develop best management practices on a regional basis for use in watersheds and States not participating in the pilot programs.

(d) SOIL AND FORESTRY CARBON SEQUESTRATION PANEL.—

(1) ESTABLISHMENT.—The Secretary (acting through the Chief of the Forest Service and the Natural Resources Conservation Service) shall establish a Soil and forestry Carbon Sequestration Panel for the purposes of—

(A) advising the Secretary in the development and updating of guidelines for accurate voluntary reporting of greenhouse gas sequestration from forest management actions and agricultural best management practices;

(B) evaluating the potential effectiveness (including cost effectiveness) of the guidelines, in verifying carbon inputs and outputs and assessing impacts on other greenhouse gases from various forest management strategies and agricultural best management practices;

(C) estimating the effect of proposed implementation of the guidelines on—

(i) carbon sequestration and storage; and

(ii) the net emissions of other greenhouse gases;

(D) providing estimates on the rates of carbon sequestration and net nitrous oxide and methane impacts for forests and various plants, agricultural commodities, and agricultural practices for the purpose of assisting the Secretary in determining the acceptability of the cooperative agreement offers made by willing owners;

(E) proposing to the Secretary the standardized methods for—

(i) measuring carbon sequestered in soils and in forests; and

(ii) estimating the impacts of the forest carbon sequestration program and the soil carbon sequestration program on other greenhouse gases; and

(F) assisting the Secretary in reporting to Congress on the results of the forest carbon sequestration program and the soil carbon sequestration program.

(2) MEMBERSHIP.—The Advisory Panel shall be composed of the following members with interest and expertise in soil carbon sequestration and forestry management, appointed jointly by the Secretary:

(A) 1 member representing national professional forestry organizations.

(B) 1 member representing national agriculture organizations.

(C) 2 members representing environmental or conservation organizations.

(D) 1 member representing Indian tribes.

(E) 3 members representing the academic scientific community.

(F) 2 members representing State forestry organizations.

(G) 2 members representing State agricultural organizations.

(H) 1 member representing the Environmental Protection Agency.

(I) 1 member representing the Department of Agriculture.

(3) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B) a member of the Advisory Panel shall be appointed for a term of 3 years.

(B) INITIAL TERMS.—Of the members first appointed to the Advisory Panel—

(i) 1 member appointed under each paragraphs (B), (D), (F), and (H) shall serve an initial term of 1 year; and

(ii) 1 member appointed under each of paragraphs (A), (C), (E), (G), and (I) shall serve an initial term of 2 years.

(C) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Advisory Panel shall be filled in the manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy occurring before the expiration of the term shall be appointed only for the remainder of the term.

(iii) SUCCESSIVE TERMS.—An individual may not be appointed to serve on the Advisory Panel for more than 2 full consecutive terms.

(4) EXISTING COUNCILS.—The Secretary may use an existing council to perform the tasks of the Advisory Panel if—

(A) representation on the council, the terms and background of members of the council, and the responsibilities of the council reflect those of the Advisory Panel; and

(B) those responsibilities are a priority for the council.

(e) STANDARDIZATION OF CARBON SEQUESTRATION MEASUREMENT PROTOCOLS.—

(1) ACCURATE MONITORING, MEASUREMENT, AND REPORTING.—

(A) IN GENERAL.—The Secretary, in collaboration with the States, shall—

(i) develop standardized measurement protocols for—

(I) carbon sequestered in soils and trees; and

(II) impacts on other greenhouse gases;

(ii)(I) develop standardized forms to monitor sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program; and

(II) distribute the forms to participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(iii) at least once every 5 years, submit to the appropriate committees of Congress a report on the forest carbon sequestration program and the soil carbon sequestration program.

(B) CONTENTS OF REPORT.—A report under subparagraph (A)(iii) shall describe—

(i) carbon sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program;

(ii) carbon sequestration practices on land owned by participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(iii) the degree of compliance with any cooperative agreements, contracts, or other arrangements entered into under this section.

(2) EDUCATIONAL OUTREACH.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, and in consultation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall conduct an educational outreach program to collect and disseminate to owners and operators of agricultural and forest land research-based information on agriculture and forest management practices that will increase the sequestration of carbon, without threat to the social and economic well-being of communities.

(3) PERIODIC REVIEW.—At least once every 2 years, the Secretary shall—

(A) convene the Advisory Panel to evaluate the latest scientific and observational information on reporting, monitoring, and verification of carbon storage from forest management and soil sequestration actions; and

(B) issue revised recommendations for reporting, monitoring, and verification of carbon storage from forest management actions and agricultural best management practices as necessary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 2035. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following new section:

"SEC. . LONG-TERM FUEL MANAGEMENT.

In implementing hazardous fuels reduction projects, the Secretaries shall ensure that—

(1) a slash treatment plan is completed;

(2) acres are not identified as treated, in annual program accomplishment reports, until all phases of a multi-year project such as thinning, slash reduction, and prescribed burning are completed; and

(3) a system to track the budgeting and implementation of follow-up treatments shall be used to account for the long-term maintenance of areas managed to reduce hazardous fuels.''

SA 2036. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following new section:

"SEC. . COLLABORATIVE MONITORING.

(a) IN GENERAL.—The Secretaries shall establish a collaborative monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of this Act. The Secretaries shall include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process.

(b) MEANS.—The Secretaries may collect monitoring data using cooperative agreements, grants or contracts with small or micro-businesses, cooperatives, non-profit organizations, Youth Conservation Corps work crews or related partnerships with State, local, and other non-Federal conservation corps.

(c) FUNDS.—Funds to implement this section shall be derived from hazardous fuels operations funds.''

SA 2037. Mr. BAUCUS (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8___. BUREAU OF LAND MANAGEMENT EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Bureau of Land Management emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the ''Fund''), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of the Interior; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of the Interior, the Secretary of the Treasury shall transfer from the Fund to the Secretary of the Interior such amounts as the Secretary of the Interior determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of the Interior shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $160,000,000 for emergency wildland fire suppression activities

carried out by the Bureau of Land Management that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of the Interior for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SEC. 8___. FOREST SERVICE EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Forest Service emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the ''Fund''), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of Agriculture; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of Agriculture, the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of Agriculture shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $510,000,000 for emergency wildland fire suppression activities carried out by the Forest Service that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of Agriculture for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SA 2038. Ms. CANTWELL (for herself and Mr. JEFFORDS) submitted an amendment intended to be proposed by her to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

In section 104, strike subsection (b) and insert the following:

(b) STUDY OF THE ANALYSIS OF ALTERNATIVES.—

(1) IN GENERAL.—The Comptroller General of the United States shall study the environmental and economic costs and benefits of the analysis of alternatives in environmental assessments and environmental impact statements (pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))) prepared for any authorized hazardous fuel reduction project, including the extent to which the analysis of alternatives delays or otherwise affects the preparation and completion of authorized hazardous fuel reduction projects.

(2) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit a report describing the results of the study under paragraph (1) to—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Resources of the House of Representatives;

(C) the Committee on Agriculture of the House of Representatives;

(D) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(E) the Subcommittee on Interior of the Committee on Appropriations of the Senate; and

(F) the Subcommittee on Interior and Related Agencies of the Committee on Appropriations of the House of Representatives.

SA 2039. Mr. LEAHY (for himself, Mrs. BOXER, Mr. HARKIN, Mr. BINGAMAN, and Mr. DURBIN) proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

Strike sections 105 and 106.

SA 2040. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 8___. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means—

(1) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(2) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(b) FIREFIGHTER SAFETY AND TRAINING BUDGET.—The Secretary shall—

(1) track funds expended for firefighter safety and training programs and activities; and

(2) include a line item for such expenditures in each budget request submitted after the date of enactment of this Act.

(c) ANNUAL REPORT TO CONGRESS.—The Secretaries shall, on an annual basis, jointly submit to Congress a report on the implementation and efficacy of wildland firefighter safety and training programs and activities.

(d) SAFETY QUALIFICATION OF PRIVATE CONTRACTORS.—

(1) IN GENERAL.—The Secretaries shall ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards established by the National Wildfire Coordinating Group.

(2) COMPLIANCE.—The Secretaries shall develop a program to monitor and enforce compliance with the requirements of paragraph (1).

SA 2041. Mr. ENSIGN (for himself, Ms. CANTWELL, and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 1904. An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8___. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS UNDER THE ANIMAL WELFARE ACT.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively;

(2) by inserting after subsection (b) the following:

''(c) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.'';

(3) in subsection (e) (as redesignated by paragraph (1)), by striking ''(c)'' and inserting ''(d)'';

(4) in subsection (f) (as redesignated by paragraph (1))—

(A) by striking ''(a), (b), or (c)'' and inserting ''(a), (b), (c), or (d)''; and

(B) by striking ''1 year'' and inserting ''2 years'';

(5) by striking subsection (g) (as redesignated by paragraph (1)) and inserting the following:

''(g) INVESTIGATIONS.—

''(1) IN GENERAL.—The Secretary or any person authorized by the Secretary shall make such investigations as the Secretary considers necessary to determine whether any person has violated or is violating any provision of this section.

''(2) ASSISTANCE.—Through cooperative agreements, the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, and other law enforcement agencies of the United States and of State, tribal, and local governmental agencies in the conduct of an investigation under paragraph (1).

''(3) WARRANTS.—

''(A) ISSUANCE.—A judge of the United States, United States magistrate judge, or judge of a State or tribal court of competent jurisdiction in the district in which is located an animal, paraphernalia, instrument, or other property or thing that there is probable cause to believe was involved, is about to be involved, or is intended to be involved in a violation of this section shall issue a warrant to search for and seize the animal or other property or thing.

''(B) APPLICATION; EXECUTION.—A United States marshal or any person authorized under this section to conduct an investigation may apply for and execute a warrant issued under subparagraph (A), and any animal, paraphernalia, instrument, or other property or thing seized under such a warrant shall be held by the authorized person pending disposition of the animal, paraphernalia, instrument, or other property or thing by a court in accordance with this subsection.

''(4) STORAGE OF ANIMALS.—

''(A) IN GENERAL.—An animal seized by a United States marshal or other authorized person under paragraph (3) shall be taken promptly to an animal housing facility in which the animal shall be stored humanely.

''(B) NO FACILITY AVAILABLE.—If there is not available a suitable animal storage facility sufficient in size to hold all of the animals involved in a violation, a United States marshal or other authorized person shall—

''(i) seize a representative sample of the animals for evidentiary purposes to be transported to an animal storage facility in which the animals shall be stored humanely; and

''(ii)(I) keep the remaining animals at the location where the animals were seized;

''(II) provide for the humane care of the animals; and

''(III) cause the animals to be banded, tagged, or marked by microchip and photographed or videotaped for evidentiary purposes.

''(5) CARE.—While a seized animal is held in custody, a United States marshal or other authorized person shall ensure that the animal is provided necessary care (including housing, feeding, and veterinary treatment).

''(6) FORFEITURE.—

''(A) IN GENERAL.—Any animal, paraphernalia, instrument, vehicle, money, or other property or thing involved in a violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal, paraphernalia, instrument, vehicle, money, or other property or thing is found.

''(B) DISPOSITION.—On entry of a judgment of forfeiture, a forfeited animal shall be disposed of by humane means, as the court may direct.

''(C) COSTS.—Costs incurred by the United States for care of an animal seized and forfeited under this section shall be recoverable from the owner of the animal—

''(i) in the forfeiture proceeding, if the owner appears in the forfeiture proceeding; or

''(ii) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

''(D) CLAIM TO PROPERTY.—

''(i) IN GENERAL.—The owner, custodian, or other person claiming an interest in a seized animal may prevent disposition of the animal by posting, or may be ordered by any United States district court or other court of the United States, or by any tribal court, for any jurisdiction in which the animal is found to post, not later than 10 days after the animal is seized, a bond with the court in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

''(ii) RENEWAL.—The owner, custodian, or other person claiming an interest in a seized animal may renew a bond, or be ordered to renew a bond, by posting a new bond, in an amount sufficient to provide for the care of the animal for at least an additional 30 days, not later than 10 days after the expiration of the period for which a previous bond was posted.

''(iii) DISPOSITION.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (A).

''(7) EUTHANIZATION.—Notwithstanding paragraphs (1) through (6), an animal may be humanely euthanized if a veterinarian determines that the animal is suffering extreme pain.''; and

(6) in subsection (h) (as redesignated by paragraph (1))—

(A) in subparagraphs (A) and (B) of paragraph (2), by inserting before the semicolon the following: ''(including a movement to, from, or within land under the jurisdiction of an Indian tribe)''; and

(B) in paragraph (3), by striking ''telephone, radio, or television'' and inserting ''telephone, the Internet, radio, television, or any technology''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 23 of the Animal Welfare Act (7 U.S.C. 2153) is amended—

(1) by striking ''SEC. 23. The Secretary'' and inserting the following:

''SEC. 23. FEES; AUTHORIZATION OF APPROPRIATIONS.

''(a) FEES.—The Secretary''; and

(2) by striking the third sentence and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the later of—

(1) the date of enactment of this Act; or

(2) May 13, 2003.

SA 2042. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place insert the following—

SEC. . BEST-VALUE CONTRACTING.

(a) To conduct a project under this Act, the Secretaries may use best value contracting criteria in awarding contracts and agreements. Best value contracting criteria includes—

(1) the ability of the contractor to meet the ecological goals of the projects;

(2) the use of equipment that will minimize or eliminate impacts on soils; and

(3) benefits to local communities such as ensuring that the byproducts are processed locally.

SA 2043. Mrs. BOXER (for herself and Mr. REID) proposed an amendment to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

On page 25 of Amendment No. 1828 (previously agreed to), line 7, strike ''50 percent'' and insert ''70 percent''.

SA 2044. Mr. LUGAR (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PUERTO RICO KARST CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the ''Puerto Rico Karst Conservation Act of 2003''.

(b) FINDINGS.—Congress finds that—

(1) in the Karst Region of the Commonwealth of Puerto Rico there are—

(A) some of the largest areas of tropical forests in Puerto Rico, with a higher density of tree species than any other area in the Commonwealth; and

(B) unique geological formations that are critical to the maintenance of aquifers and watersheds that constitute a principal water supply for much of the Commonwealth;

(2) the Karst Region is threatened by development that, if unchecked, could permanently damage the aquifers and cause irreparable damage to natural and environmental assets that are unique to the United States;

(3) the Commonwealth has 1 of the highest population densities in the United States, which makes the protection of the Karst Region imperative for the maintenance of the public health and welfare of the citizens of the Commonwealth;

(4) the Karst Region—

(A) possesses extraordinary ecological diversity, including the habitats of several endangered and threatened species and tropical migrants; and

(B) is an area of critical value to research in tropical forest management; and

(5) coordinated efforts at land protection by the Federal Government and the Commonwealth are necessary to conserve the environmentally critical Karst Region.

(c) PURPOSES.—The purposes of this section are—

(1) to authorize and support conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and

(2) to promote cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts.

(d) DEFINITIONS.—In this section:

(1) COMMONWEALTH.—The term ''Commonwealth'' means the Commonwealth of Puerto Rico.

(2) FOREST LEGACY PROGRAM.—The term ''Forest Legacy Program'' means the program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(3) FUND.—The term ''Fund'' means the Puerto Rico Karst Conservation Fund established by subsection (f).

(4) KARST REGION.—The term ''Karst Region'' means the areas in the Commonwealth generally depicted on the map entitled ''Karst Region Conservation Area'' and dated March 2001, which shall be on file and available for public inspection in—

(A) the Office of the Secretary, Puerto Rico Department of Natural and Environmental Resources; and

(B) the Office of the Chief of the Forest Service.

(5) LAND.—The term ''land'' includes land, water, and an interest in land or water.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(e) CONSERVATION OF THE KARST REGION.—

(1) FEDERAL COOPERATION AND ASSISTANCE.—In furtherance of the acquisition, protection, and management of land in and adjacent to the Karst Region and in implementing related natural resource conservation strategies, the Secretary may—

(A) make grants to and enter into contracts and cooperative agreements with the Commonwealth, other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.);

(ii) section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318); and

(iii) section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) FUNDING SOURCES.—The activities authorized by this subsection may be carried out using—

(A) amounts in the Fund;

(B) amounts in the fund established by section 4(b) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643(b));

(C) funds appropriated from the Land and Water Conservation Fund;

(D) funds appropriated for the Forest Legacy Program; and

(E) any other funds made available for those activities.

(3) MANAGEMENT.—

(A) IN GENERAL.—Land acquired under this subsection shall be managed, in accordance with the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.), in a manner to protect and conserve the water quality and aquifers and the geological, ecological, fish and wildlife, and other natural values of the Karst Region.

(B) FAILURE TO MANAGE AS REQUIRED.—In any deed, grant, contract, or cooperative agreement implementing this subsection and the Forest Legacy Program in the Commonwealth, the Secretary may require that, if land acquired by the Commonwealth or other cooperating entity under this section is sold or conveyed in whole or part, or is not managed in conformity with subparagraph (A), title to the land shall, at the discretion of the Secretary, vest in the United States.

(4) WILLING SELLERS.—Any land acquired by the Secretary in the Karst Region shall be acquired only from a willing seller.

(5) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection—

(A) diminishes any other authority that the Secretary may have to acquire, protect, and manage land and natural resources in the Commonwealth; or

(B) exempts the Federal Government from Commonwealth water laws.

(f) PUERTO RICO KARST CONSERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury an interest-bearing account to be known as the ''Puerto Rico Karst Conservation Fund''.

(2) CREDITS TO FUND.—There shall be credited to the Fund—

(A) amounts appropriated to the Fund;

(B) all amounts donated to the Fund;

(C) all amounts generated from the Caribbean National Forest that would, but for this paragraph, be deposited as miscellaneous receipts in the Treasury of the United States, but not including amounts authorized by law for payments to the Commonwealth or authorized by law for retention by the Secretary for any purpose;

(D) all amounts received by the Administrator of General Services from the disposal of surplus real property in the Commonwealth under subtitle I of title 40, United States Code; and

(E) interest derived from amounts in the Fund.

(3) USE OF FUND.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to carry out subsection (e).

(g) MISCELLANEOUS PROVISIONS.—

(1) DONATIONS.—

(A) IN GENERAL.—The Secretary may accept donations, including land and money, made by public and private agencies, corporations, organizations, and individuals in furtherance of the purposes of this subsection.

(B) CONFLICTS OF INTEREST.—The Secretary may accept donations even if the donor conducts business with or is regulated by the Department of Agriculture or any other Federal agency.

(C) APPLICABLE LAW.—Public Law 95–442 (7 U.S.C. 2269) shall apply to donations accepted by the Secretary under this paragraph.

(2) RELATION TO FOREST LEGACY PROGRAM.—

(A) IN GENERAL.—All land in the Karst Region shall be eligible for inclusion in the Forest Legacy Program.

(B) COST SHARING.—The Secretary may credit donations made under paragraph (1) to satisfy any cost-sharing requirements of the Forest Legacy Program.

(h) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 2045. Mr. HARKIN (for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. BOXER, Mr. LEAHY, and Mr. DURBIN) proposed an amendment to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 109. AUTHORIZATION.

The authority provided by this title applies during the 5-year period beginning on the date of enactment of this Act.

SA 2046. Mr. COCHRAN proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

On page 5 of Amendment No. 1828 previously agreed to (END03.775), line 23, strike ''Urban Wildlife'' and insert ''Wildland Urban''.

On page 7 of Amendment No. 1828, line 9, strike ''natural resources department'' and insert ''agency responsible for forest management''.

On page 17 of Amendment No. 1828, strike lines 6 through 8 and insert the following:

(2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

On page 18 of Amendment No. 1828, line 23, insert ''in carrying out a covered project'' after ''paragraph (2)''.

On page 19 of Amendment No. 1828, line 5, insert ''for the purpose of carrying out covered projects'' before the period.

On page 19 of Amendment No. 1828, line 11, insert ''in carrying out a covered project'' after ''paragraph (2)''.

On page 20 of Amendment No. 1828, line 12, strike ''period described in clause (ii)'' and insert ''applicable period described in subparagraph (A)''.

Beginning on page 20 of Amendment No. 1828, strike line 24 and all that follows through page 21, line 2, and insert the following:

(II) ending on the earlier of—

(aa) the date the Secretary completes the action required by subparagraph (B) for the standards; or

(bb) the date on which the acreage limitation specified in subsection (c) (as that limitation may be adjusted by subsequent Act of Congress) is reached.

On page 21 of Amendment No. 1828, strike lines 3 through 12.

On page 21 of Amendment No. 1828, lines 13 and 14, strike ''Subject to subsection (e), the'' and insert ''Except in old growth stands where the standards are consistent with subsection (e)(2), the''.

On page 25 of Amendment No. 1828, lines 20 and 21, strike ''authorized''.

On page 28 of Amendment No. 1828, strike lines 22 through 25.

On page 33 of Amendment No. 1828, line 6, strike ''Nothing'' and insert ''For projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing''.

On page 80 of the Committee amendment, strike lines 1 through 9 and insert the following:

(b) FUNDING.—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended by striking ''$49,000,000'' and inserting ''$54,000,000''.

On page 85 of the Committee amendment, line 11, strike ''The'' and insert ''In the case of a participating State, the''.

On page 85 of the Committee amendment, line 22, insert ''in participating States'' after ''officials''.

On page 85 of the Committee amendment, line 24, insert ''to participating States'' after ''provided''.

On page 86 of the Committee amendment, line 5, insert ''participating'' after ''official of a''.

On page 106 of the Committee amendment, strike lines 15 and 16 and insert the following:

(C) an agreement of not more than 99 years.

On page 107 of the Committee amendment, line 14, strike ''agreement and easement, and their'' and insert ''agreement, and''.

Beginning on page 108 of the Committee amendment, strike line 9 and all that follows through page 109, line 21, and insert the following:

(a) AGREEMENTS OF NOT MORE THAN 99 YEARS.—In the case of land enrolled in the healthy forests reserve program using an agreement of not more than 99 years described in section 502(f)(1)(C), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the agreement, less the fair market value of the land encumbered by the agreement; and

(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the agreement.

On page 111 of the Committee amendment, line 1, strike ''and easements''.

On page 118 of the Committee amendment, line 1, insert ''and collaboration'' after ''incentives''.

On page 121 of the Committee amendment, line 2, insert ''and'' after the semicolon.

On page 121 of the Committee amendment, line 3, strike the semicolon and insert a period.

On page 121 of the Committee amendment, strike lines 4 through 9.

On page 121 of the Committee amendment, line 20, strike ''COORDINATION'' and insert ''CONSULTATION''.

On page 121 of the Committee amendment, line 21, strike ''coordinate'' and insert ''consult''.

On page 122 of the Committee amendment, strike lines 1 through 4 and insert the following:

(D) 1890 institutions;

(E) research stations and laboratories of the Forest Service;

(F) other agencies of the Department of Agriculture that administer rural development programs; and

(G) private nonprofit organizations.

On page 123 of the Committee amendment, strike lines 3 through 20 and insert the following:

(c) FOREST ENTERPRISE CENTERS.—

(1) IN GENERAL.—The Secretary shall establish Forest Enterprise Centers to provide services to rural forest-dependent communities.

(2) LOCATION.—A Center shall be located within close proximity of rural forest-dependent communities served by the Center, with at least 1 center located in each of the States of California, Idaho, Oregon, Montana, New Mexico, Vermont, and Washington.

(3) DUTIES.—A Center shall—

(A) carry out eligible projects; and

(B) coordinate assistance provided to small forest products businesses with—

(i) the Small Business Administration, including the timber set-aside program carried out by the Small Business Administration;

(ii) the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service of the Department of Agriculture;

(iii) the Economic Development Administration, including the local technical assistance program of the Economic Development Administration; and

(iv) research stations and laboratories of the Forest Service.

Beginning on page 124 of the Committee amendment, strike line 21 and all that follows through page 126, line 22, and insert the following:

SEC. 801. FOREST INVENTORY AND MANAGEMENT.

Section 17 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 note; Public Law 95313) is amended to read as follows:

''SEC. 17. FOREST INVENTORY AND MANAGEMENT.

''(a) IN GENERAL.—The Secretary shall carry out a program using geospatial and information management technologies (including remote sensing imaging and decision support systems) to inventory, monitor, characterize, assess, and identify forest stands and potential forest stands on—

''(1) units of the National Forest System; and

''(2) private forest land, with the consent of the owner of the land.

''(b) MEANS.—The Secretary shall carry out the program through the use of—

''(1) remote sensing technology of the National Aeronautics and Space Administration and the United States Geological Survey;

''(2) emerging geospatial capabilities in research activities;

''(3) validating techniques, including coordination and reconciliation with existing data through field verification, using application demonstrations; and

''(4) integration of results into pilot operational systems.

''(c) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

''(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, acid deposition, and weather-related risks and other episodic events);

''(2) loss or degradation of forests;

''(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

''(4) quantification of carbon uptake rates;

''(5) management practices that focus on preventing further forest degradation; and

''(6) characterization of vegetation types, density, fire regimes, post-fire effects, and condition class.

''(d) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

''(1) isolate and treat a threat before the threat gets out of control; and

''(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

''(e) ADMINISTRATION.—To carry out this section, the Secretary shall—

''(1) designate a facility within Forest Service Region 8 that—

''(A) is best-suited to take advantage of existing resources to coordinate and carry out the program through the means described in subsection (b); and

''(B) will address the issues described in subsection (c), with a particular emphasis on hardwood forest stands in the Eastern United States; and

''(2) designate a facility in the Ochoco National Forest headquarters within Forest Service Region 6 that will address the issues described in subsection (c), with a particular emphasis on coniferous forest stands in the Western United States.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

On page 134 of the Committee amendment, line 20, strike ''each of fiscal years 2004 through 2008'' and insert ''each fiscal year''.

On page 134 of the Committee amendment, between lines 20 and 21, insert the following:

SEC. 805. EMERGENCY FUEL REDUCTION GRANTS.

(a) IN GENERAL.—The Secretary of Agriculture shall establish an emergency fuel reduction grant program under which the Secretary shall provide grants to State and local agencies to carry out hazardous fuel reduction projects addressing threats of catastrophic fire that pose a serious threat to human life, as determined by the Forest Service.

(b) ELIGIBLE PROJECTS.—To be eligible to be carried out with a grant under the program, a hazardous fuel reduction project shall—

(1) be surrounded by or immediately adjacent to the boundary of a national forest;

(2) be determined to be of paramount urgency, as indicated by declarations to that effect by both local officials and the Governor of the State in which in the project is to be carried out; and

(3) remove fuel loading that poses a serious threat to human life, as determined by the Forest Service.

(c) USES OF GRANTS.—A grant under the program may be used only—

(1) to remove trees, shrubs, or other potential fuel adjacent to a primary evacuation route;

(2) to remove trees, shrubs, or other potential fuel that are adjacent to an emergency response center, emergency communication facility, or site designated as a shelter-in-place facility; or

(3) to conduct an evacuation drill or preparation.

(d) REVOLVING FUND.—

(1) IN GENERAL.—In the case of a grant under the program that is used to carry out a project on private or county land, the grant recipient shall deposit in a revolving fund maintained by the Secretary any proceeds from the sale of timber or biomass as a result of the project.

(2) USE.—The Secretary shall use amounts in the revolving fund to make other grants under this section, without further appropriation.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture to carry out this section $50,000,000 for each fiscal year.

At the appropriate place insert:

SEC. XX. EASTERN NEVADA LANDSCAPE COALITION.

(a) IN GENERAL.—(i) The Secretary of Agriculture and the Secretary of Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(ii) Notwithstanding sections 6301 through 6308 of title 31, United States Code, the Director of the Bureau of Land Management shall enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

On page 134 of the Committee amendment, line 21, strike ''805'' after ''807''.

At the end of title VIII, add the following:

SEC. 8___. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM; FOREST LEGACY PROGRAM.

(a) SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''SEC. 21. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COMMITTEE.—The term 'Committee' means a State Forest Stewardship Coordinating Committee established under section 19(b).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a unit of local government or a nonprofit organization that—

''(A) the Secretary determines, in accordance with the criteria established under subsection (c)(1)(A)(ii)(II) is eligible to receive a grant under subsection (c)(2); and

''(B) the State forester, in consultation with the Committee, determines—

''(i) has the abilities necessary to acquire and manage interests in real property; and

''(ii) has the resources necessary to monitor and enforce any terms applicable to the eligible project.

''(3) ELIGIBLE PROJECT.—The term 'eligible project' means a fee purchase, easement, or donation of land to conserve private forest land identified for conservation under subsection (c)(1)(A)(ii)(I).

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(5) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that is—

''(A) described in section 501(c) of the Internal Revenue Code of 1986; and

''(B) exempt from taxation under 501(a) of the Internal Revenue Code of 1986.

''(6) PRIVATE FOREST LAND.—The term 'private forest land' means land that is—

''(A) capable of producing commercial forest products; and

''(B) owned by—

''(i) a private entity; or

''(ii) an Indian tribe.

''(7) PROGRAM.—The term 'program' means the Suburban and Community Forestry and Open Space Program established by subsection (b).

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Forest Service a program to be known as the 'Suburban and Community Forestry and Open Space Program'.

''(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out eligible projects in States in which less than 25 percent of the land is owned by the United States to—

''(A) conserve private forest land and maintain working forests in areas threatened by significant suburban sprawl or by conversion to nonforest uses; and

''(B) provide communities a means by which to address significant suburban sprawl.

''(c) GRANT PROGRAM.—

''(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

''(A) CRITERIA.—

''(i) NATIONAL CRITERIA.—The Secretary shall establish national eligibility criteria for the identification of private forest land that may be conserved under this section.

''(ii) STATE CRITERIA.—The State forester, in consultation with the Committee, shall, based on the criteria established under clause (i), and subject to the approval of the Secretary, establish criteria for—

''(I) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

''(II) the identification of eligible entities.

''(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(ii)(I) shall be land that—

''(i) is located in a State in which less than 25 percent of the land is owned by the United States; and

''(ii) as determined by the State forester, in consultation with the Committee and subject to the approval of the Secretary—

''(I) is located in an area that is affected, or threatened to be affected, by significant suburban sprawl, taking into account housing needs in the area; and

''(II) is threatened by present or future conversion to nonforest use.

''(2) GRANTS.—

''(A) ELIGIBLE PROJECTS.—

''(i) IN GENERAL.—In carrying out this section, the Secretary shall award competitive grants to eligible entities to carry out eligible projects.

''(ii) PUBLIC ACCESS.—Eligible entities are encouraged to provide public access to land on which an eligible project is carried out.

''(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit to the State forester—

''(i) at such time and in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant and a description of the extent of the threat of conversion to nonforest use); and

''(ii) a stewardship plan that describes the manner in which—

''(I) any private forest land to be conserved using funds from the grant will be managed in accordance with this section;

''(II) the stewardship plan will be implemented; and

''(III) the public benefits to be achieved from implementation of the stewardship plan.

''(C) ASSESSMENT OF NEED.—With respect to an application submitted under subparagraph (B), the State forester shall—

''(i) assess the need for preserving suburban forest land and open space and containing suburban sprawl in the State, taking into account the housing needs of the area in which the eligible project is to be carried out; and

''(ii) submit to the Secretary—

''(I) the application submitted under subparagraph (B); and

''(II) the assessment of need.

''(D) APPROVAL OR DISAPPROVAL.—

''(i) IN GENERAL.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (C)(ii) or a resubmission under subclause (II)(bb)(BB), the Secretary shall—

''(I) review the application; and

''(II)(aa) award a grant to the applicant; or

''(bb)(AA) disapprove the application; and

''(BB) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

''(ii) CONSIDERATIONS; PRIORITY.—In awarding grants under this section, the Secretary shall—

''(I) consider the need for the eligible project based on the assessment of need submitted under subparagraph (C) and subject to any criteria under paragraph (1); and

''(II) give priority to applicants that propose to fund eligible projects that promote—

''(aa) the preservation of suburban forest land and open space;

''(bb) the containment of suburban sprawl;

''(cc) the sustainable management of private forest land;

''(dd) community involvement in determining the objectives for eligible projects that are funded under this section; and

''(ee) community and school education programs and curricula relating to sustainable forestry.

''(3) COST SHARING.—

''(A) IN GENERAL.—The amount of a grant awarded under this section to carry out an eligible project shall not exceed 50 percent of the total cost of the eligible project.

''(B) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

''(C) FORM.—The share of the cost of carrying out any eligible project described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind (including a donation of land).

''(d) USE OF GRANT FUNDS FOR PURCHASES OF LAND OR EASEMENTS.—

''(1) PURCHASES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

''(B) SALES AT LESS THAN FAIR MARKET VALUE.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on

certification by the landowner that the sale is being entered into willingly and without coercion.

''(2) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

''(A) a State;

''(B) a unit of local government; or

''(C) a nonprofit organization.

''(3) TERMINATION OF EASEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), all right, title, and interest of a unit of local government or nonprofit organization in and to a conservation easement shall terminate and vest in the State if the State determines that—

''(i) the unit of local government or nonprofit organization is unable or unwilling to enforce the terms of the conservation easement; or

''(ii) the conservation easement has been modified in a way that is inconsistent with the purposes of the program.

''(B) CONVEYANCE TO ANOTHER UNIT OF LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION.—If the State makes a determination under subparagraph (A), the State may convey or authorize the unit of local government or nonprofit organization to convey the conservation easement to another unit of local government or nonprofit organization.

''(e) ADMINISTRATIVE COSTS.—The State, on approval of the Secretary and subject to any regulations promulgated by the Secretary, may use amounts made available under subsection (g) to pay the administrative costs of the State relating to the program.

''(f) REPORT.—The Secretary shall submit to Congress a report on the eligible projects carried out under this section in accordance with section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $50,000,000 for fiscal year 2004; and

''(2) such sums as are necessary for each fiscal year thereafter.''.

(b) FOREST LEGACY PROGRAM.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (c), by striking the last sentence;

(2) in subsection (i), by striking ''subsection (b)'' and inserting ''this section'';

(3) in subsection (j)(1), by inserting ''(other than by donation)'' after ''acquired'';

(4) in subsection (k)(2), by striking ''the United States or its'' and inserting ''the United States, a State, or other entity, or their''; and

(5) in subsection (l), by adding at the end the following:

''(3) STATE AUTHORIZATION.—

''(A) DEFINITION OF STATE FORESTER.—The term 'State forester' has the meaning given the term in section 4(k).

''(B) IN GENERAL.—Notwithstanding subsection (c) and paragraph (2)(B), the Secretary shall, on request by a State, authorize the State to allow a qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) and that is organized for at least 1 of the purposes described in section 170(h)(4)(A) of that Code, using amounts granted to a State under this paragraph, to acquire 1 or more conservation easements to carry out the Forest Legacy Program in the State.

''(C) ELIGIBILITY.—To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization described in subparagraph (B) shall, as determined by the Secretary, acting through the State forester, demonstrate the abilities necessary to acquire, monitor, and enforce interests in forest land consistent with the Forest Legacy Program and the assessment of need for the State.

''(D) MONITORING AND ENFORCEMENT.—

''(i) IN GENERAL.—A qualified organization that acquires a conservation easement under this paragraph shall be responsible for monitoring and enforcing the terms of the conservation easement and any of the costs of the qualified organization associated with such monitoring and enforcement.

''(ii) CONTINGENT RIGHTS.—If a qualified organization that acquires a conservation easement under this paragraph fails to enforce the terms of the conservation easement, as determined by the State, the State or the Secretary shall have the right to enforce the terms of the conservation easement under Federal or State law.

''(iii) AMENDMENTS.—Any amendments to a conservation easement that materially affect the terms of the conservation easement shall be subject to approval by the Secretary or the State, as appropriate.

''(E) TERMINATION OF EASEMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), all right, title, and interest of a qualified organization described in subparagraph (B) in and to a conservation easement shall terminate and vest in the State or a qualified designee if the State determines that—

''(I) the qualified organization fails to enforce the terms of the conservation easement;

''(II) the conservation easement has been modified in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

''(III) the conservation easement has been conveyed to another person (other than to a qualified organization).

''(ii) CONVEYANCE TO ANOTHER QUALIFIED ORGANIZATION.—If the State makes a determination under clause (i), the State may convey or authorize the qualified organization to convey the conservation easement to another qualified organization.

''(F) IMPLEMENTATION.—The Secretary, acting through the State forester, shall implement this paragraph in accordance with the assessment of need for the State as approved by the Secretary.''.

At the end, add the following:

TITLE ___—HIGHLANDS REGION CONSERVATION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Highlands Conservation Act''.

SEC. ___02. FINDINGS.

Congress finds the following:

(1) The Highlands region is a physiographic province that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) The Highlands region is an environmentally unique area that—

(A) provides clean drinking water to over 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains recreational resources for 14 million visitors annually;

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits; and

(F) provides homeownership opportunities and access to affordable housing that is safe, clean, and healthy;

(3) An estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region.

(4) More than 1,400,000 residents live in the Highlands region.

(5) The Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve water, forest and agricultural resources, wildlife habitat, recreational areas, and historic sites, while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner.

(6) Continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) The water, forest, wildlife, recreational, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant.

(8) The national significance of the Highlands region has been documented in—

(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Redevelopment Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition FY 2001–2006;

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) The Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, or restore resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail;

(J) the United States Military Academy at West Point, New York;

(K) the Highlands National Millenium Trail;

(L) the Great Swamp National Wildlife Refuge;

(M) the proposed Crossroads of the Revolution National Heritage Area;

(N) the proposed Musconetcong National Scenic and Recreational River in New Jersey; and

(O) the Farmington River Wild and Scenic Area in Connecticut;

(10) It is in the interest of the United States to protect, conserve, and restore the resources of the Highlands region for the residents of, and visitors to, the Highlands region.

(11) The States of Connecticut, New Jersey, New York, and Pennsylvania, and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, restoring and promoting the resources of the Highlands region.

(12) Because of the longstanding Federal practice of assisting States in creating, protecting, conserving, and restoring areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, protect, restore, and preserve the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands region.

SEC. ___03. PURPOSES.

The purposes of this title are as follows:

(1) To recognize the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, and the national significance of the Highlands region to the United States.

(2) To authorize the Secretary of Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region.

(3) To continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

SEC. ___04. DEFINITIONS.

In this title:

(1) HIGHLANDS REGION.—The term ''Highlands region'' means the physiographic province, defined by the Reading Prong and ecologically similar adjacent upland areas, that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) HIGHLANDS STATE.—The term ''Highlands State'' means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York;

(D) the State of Pennsylvania; and

(E) any agency or department of any Highlands State.

(3) LAND CONSERVATION PARTNERSHIP PROJECT.—The term ''land conservation partnership project'' means a land conservation project located within the Highlands region identified as having high conservation value by the Forest Service in which a non-Federal entity acquires land or an interest in land from a willing seller for the purpose of permanently protecting, conserving, or preserving the land through a partnership with the Federal Government.

(4) NON-FEDERAL ENTITY.—The term ''non-Federal entity'' means any Highlands State, or any agency or department of any Highlands State with authority to own and manage land for conservation purpose, including the Palisades Interstate Park Commission.

(5) STUDY.—The term ''study'' means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(6) UPDATE.—The term ''update'' means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

SEC. ___05. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.

(a) SUBMISSION OF PROPOSED PROJECTS.—Annually, the Governors of the Highlands States, with input from pertinent units of local government and the public, may jointly identify land conservation partnership projects in the Highlands region that shall be proposed for Federal financial assistance and submit a list of those projects to the Secretary of the Interior.

(b) CONSIDERATION OF PROJECTS.—The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall annually submit to Congress a list of those land conservation partnership projects submitted under subsection (a) that are eligible to receive financial assistance under this section.

(c) ELIGIBILITY CONDITIONS.—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share required under subsection (d);

(3) describes the management objectives for the land that will assure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court and shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(A) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(B) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in the following:

(A) Important Areas portion of the Forest Service study.

(B) Conservation Focal Areas portion of the Forest Service update.

(C) Conservation Priorities portion of the update.

(D) Lands identified as having higher or highest resource value in the Conservation Values Assessment portion of the update.

(d) NON-FEDERAL SHARE REQUIREMENT.—The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior from the general funds of the Treasury or the Land and Water Conservation Fund to carry out this section $10,000,000 for each of the fiscal years 2005 through 2014. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. ___06. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.

(a) IN GENERAL.—In order to meet the land resource goals of, and the scientific and conservation challenges identified in, the study, update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the Natural Resource Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

(b) DUTIES.—The Forest Service shall—

(1) in consultation with the Highlands States, undertake other studies and research as appropriate in the Highlands region consistent with the purposes of this title;

(2) communicate the findings of the study and update and maintain a public dialogue regarding implementation of the study and update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section $1,000,000 for each of the fiscal years 2005 through 2014.

SEC. ___07. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; and

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Nothing in this title shall be construed to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this title shall be construed to require the owner of any private property located in the Highlands region to participate in the land conservation, financial, or technical assistance or any other programs established under this title.

(e) PURCHASE OF LANDS OR INTERESTS IN LANDS FROM WILLING SELLERS ONLY.—Funds appropriated to carry out this title shall be used to purchase lands or interests in lands only from willing sellers.

At the end of the bill, add the following:

SEC. 8___. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means—

(1) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(2) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(b) FIREFIGHTER SAFETY AND TRAINING BUDGET.—The Secretary shall—

(1) track funds expended for firefighter safety and training programs and activities; and

(2) include a line item for such expenditures in each budget request submitted after the date of enactment of this Act.

(c) ANNUAL REPORT TO CONGRESS.—The Secretaries shall, on an annual basis, jointly submit to Congress a report on the implementation and efficacy of wildland firefighter safety and training programs and activities.

(d) SAFETY QUALIFICATION OF PRIVATE CONTRACTORS.—

(1) IN GENERAL.—The Secretaries shall ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards established by the National Wildfire Coordinating Group.

(2) COMPLIANCE.—The Secretaries shall develop a program to monitor and enforce compliance with the requirements of paragraph (1).

At the appropriate place, insert the following:

GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled 'Green Mountain Expansion Area Map I' and 'Green Mountain Expansion Area Map II', each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service Washington this act shall be considered to be the boundaries of the national forest as of January 1, 1965.

At the appropriate place, insert the following:

SEC. ___. PUERTO RICO KARST CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the ''Puerto Rico Karst Conservation Act of 2003''.

(b) FINDINGS.—Congress finds that—

(1) in the Karst Region of the Commonwealth of Puerto Rico there are—

(A) some of the largest areas of tropical forests in Puerto Rico, with a higher density of tree species than any other area in the Commonwealth; and

(B) unique geological formations that are critical to the maintenance of aquifers and watersheds that constitute a principal water supply for much of the Commonwealth;

(2) the Karst Region is threatened by development that, if unchecked, could permanently damage the aquifers and cause irreparable damage to natural and environmental assets that are unique to the United States;

(3) the Commonwealth has 1 of the highest population densities in the United States, which makes the protection of the Karst Region imperative for the maintenance of the public health and welfare of the citizens of the Commonwealth;

(4) the Karst Region—

(A) possesses extraordinary ecological diversity, including the habitats of several endangered and threatened species and tropical migrants; and

(B) is an area of critical value to research in tropical forest management; and

(5) coordinated efforts at land protection by the Federal Government and the Commonwealth are necessary to conserve the environmentally critical Karst Region.

(c) PURPOSES.—The purposes of this section are—

(1) to authorize and support conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and

(2) to promote cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts.

(d) DEFINITIONS.—In this section:

(1) COMMONWEALTH.—The term ''Commonwealth'' means the Commonwealth of Puerto Rico.

(2) FOREST LEGACY PROGRAM.—The term ''Forest Legacy Program'' means the program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(3) FUND.—The term ''Fund'' means the Puerto Rico Karst Conservation Fund established by subsection (f).

(4) KARST REGION.—The term ''Karst Region'' means the areas in the Commonwealth generally depicted on the map entitled ''Karst Region Conservation Area'' and dated March 2001, which shall be on file and available for public inspection in—

(A) the Office of the Secretary, Puerto Rico Department of Natural and Environmental Resources; and

(B) the Office of the Chief of the Forest Service.

(5) LAND.—The term ''land'' includes land, water, and an interest in land or water.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(e) CONSERVATION OF THE KARST REGION.—

(1) FEDERAL COOPERATION AND ASSISTANCE.—In furtherance of the acquisition, protection, and management of land in and adjacent to the Karst Region and in implementing related natural resource conservation strategies, the Secretary may—

(A) make grants to and enter into contracts and cooperative agreements with the Commonwealth, other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.);

(ii) section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318); and

(iii) section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) FUNDING SOURCES.—The activities authorized by this subsection may be carried out using—

(A) amounts in the Fund;

(B) amounts in the fund established by section 4(b) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643(b));

(C) funds appropriated from the Land and Water Conservation Fund;

(D) funds appropriated for the Forest Legacy Program; and

(E) any other funds made available for those activities.

(3) MANAGEMENT.—

(A) IN GENERAL.—Land acquired under this subsection shall be managed, in accordance with the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.), in a manner to protect and conserve the water quality and aquifers and the geological, ecological, fish and wildlife, and other natural values of the Karst Region.

(B) FAILURE TO MANAGE AS REQUIRED.—In any deed, grant, contract, or cooperative agreement implementing this subsection and the Forest Legacy Program in the Commonwealth, the Secretary may require that, if land acquired by the Commonwealth or other cooperating entity under this section is sold or conveyed in whole or part, or is not managed in conformity with subparagraph (A), title to the land shall, at the discretion of the Secretary, vest in the United States.

(4) WILLING SELLERS.—Any land acquired by the Secretary in the Karst Region shall be acquired only from a willing seller.

(5) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection—

(A) diminishes any other authority that the Secretary may have to acquire, protect, and manage land and natural resources in the Commonwealth; or

(B) exempts the Federal Government from Commonwealth water laws.

(f) PUERTO RICO KARST CONSERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury an interest-bearing account to be known as the ''Puerto Rico Karst Conservation Fund''.

(2) CREDITS TO FUND.—There shall be credited to the Fund—

(A) amounts appropriated to the Fund;

(B) all amounts donated to the Fund;

(C) all amounts generated from the Caribbean National Forest that would, but for this paragraph, be deposited as miscellaneous receipts in the Treasury of the United States, but not including amounts authorized by law for payments to the Commonwealth or authorized by law for retention by the Secretary for any purpose;

(D) all amounts received by the Administrator of General Services from the disposal of surplus real property in the Commonwealth under subtitle I of title 40, United States Code; and

(E) interest derived from amounts in the Fund.

(3) USE OF FUND.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to carry out subsection (e).

(g) MISCELLANEOUS PROVISIONS.—

(1) DONATIONS.—

(A) IN GENERAL.—The Secretary may accept donations, including land and money, made by public and private agencies, corporations, organizations, and individuals in furtherance of the purposes of this subsection.

(B) CONFLICTS OF INTEREST.—The Secretary may accept donations even if the donor conducts business with or is regulated by the Department of Agriculture or any other Federal agency.

(C) APPLICABLE LAW.—Public Law 95–442 (7 U.S.C. 2269) shall apply to donations accepted by the Secretary under this paragraph.

(2) RELATION TO FOREST LEGACY PROGRAM.—

(A) IN GENERAL.—All land in the Karst Region shall be eligible for inclusion in the Forest Legacy Program.

(B) COST SHARING.—The Secretary may credit donations made under paragraph (1) to satisfy any cost-sharing requirements of the Forest Legacy Program.

(h) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section.

Section 10806(b)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d; 116 Stat. 526), is deemed to have first become effective 15 days after the date of the enactment of this Act.

At the end of title VIII, add the following:

SEC. 8___. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS UNDER THE ANIMAL WELFARE ACT.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively;

(2) by inserting after subsection (b) the following:

''(c) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.'';

(3) in subsection (e) (as redesignated by paragraph (1)), by striking ''(c)'' and inserting ''(d)'';

(4) in subsection (f) (as redesignated by paragraph (1))—

(A) by striking ''(a), (b), or (c)'' and inserting ''(a), (b), (c), or (d)''; and

(B) by striking ''1 year'' and inserting ''2 years'';

(5) by striking subsection (g) (as redesignated by paragraph (1)) and inserting the following:

''(g) INVESTIGATIONS.—

''(1) IN GENERAL.—The Secretary or any person authorized by the Secretary shall make such investigations as the Secretary considers necessary to determine whether any person has violated or is violating any provision of this section.

''(2) ASSISTANCE.—Through cooperative agreements, the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, and other law enforcement agencies of the United States and of State, tribal, and local governmental agencies in the conduct of an investigation under paragraph (1).

''(3) WARRANTS.—

''(A) ISSUANCE.—A judge of the United States, United States magistrate judge, or judge of a State or tribal court of competent jurisdiction in the district in which is located an animal, paraphernalia, instrument, or other property or thing that there is probable cause to believe was involved, is about to be involved, or is intended to be involved in a violation of this section shall issue a warrant to search for and seize the animal or other property or thing.

''(B) APPLICATION; EXECUTION.—A United States marshal or any person authorized under this section to conduct an investigation may apply for and execute a warrant issued under subparagraph (A), and any animal, paraphernalia, instrument, or other property or thing seized under such a warrant shall be held by the authorized person pending disposition of the animal, paraphernalia, instrument, or other property or thing by a court in accordance with this subsection.

''(4) STORAGE OF ANIMALS.—

''(A) IN GENERAL.—An animal seized by a United States marshal or other authorized person under paragraph (3) shall be taken promptly to an animal housing facility in which the animal shall be stored humanely.

''(B) NO FACILITY AVAILABLE.—If there is not available a suitable animal storage facility sufficient in size to hold all of the animals involved in a violation, a United States marshal or other authorized person shall—

''(i) seize a representative sample of the animals for evidentiary purposes to be transported to an animal storage facility in which the animals shall be stored humanely; and

''(ii)(I) keep the remaining animals at the location where the animals were seized;

''(II) provide for the humane care of the animals; and

''(III) cause the animals to be banded, tagged, or marked by microchip and photographed or videotaped for evidentiary purposes.

''(5) CARE.—While a seized animal is held in custody, a United States marshal or other authorized person shall ensure that the animal is provided necessary care (including housing, feeding, and veterinary treatment).

''(6) FORFEITURE.—

''(A) IN GENERAL.—Any animal, paraphernalia, instrument, vehicle, money, or other property or thing involved in a violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal, paraphernalia, instrument, vehicle, money, or other property or thing is found.

''(B) DISPOSITION.—On entry of a judgment of forfeiture, a forfeited animal shall be disposed of by humane means, as the court may direct.

''(C) COSTS.—Costs incurred by the United States for care of an animal seized and forfeited under this section shall be recoverable from the owner of the animal—

''(i) in the forfeiture proceeding, if the owner appears in the forfeiture proceeding; or

''(ii) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

''(D) CLAIM TO PROPERTY.—

''(i) IN GENERAL.—The owner, custodian, or other person claiming an interest in a seized animal may prevent disposition of the animal by posting, or may be ordered by any United States district court or other court of the United States, or by any tribal court, for any jurisdiction in which the animal is found to post, not later than 10 days after the animal is seized, a bond with the court in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

''(ii) RENEWAL.—The owner, custodian, or other person claiming an interest in a seized animal may renew a bond, or be ordered to renew a bond, by posting a new bond, in an amount sufficient to provide for the care of the animal for at least an additional 30 days, not later than 10 days after the expiration of the period for which a previous bond was posted.

''(iii) DISPOSITION.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (A).

''(7) EUTHANIZATION.—Notwithstanding paragraphs (1) through (6), an animal may be humanely euthanized if a veterinarian determines that the animal is suffering extreme pain.''; and

(6) in subsection (h) (as redesignated by paragraph (1))—

(A) in subparagraphs (A) and (B) of paragraph (2), by inserting before the semicolon the following: ''(including a movement to, from, or within land under the jurisdiction of an Indian tribe)''; and

(B) in paragraph (3), by striking ''telephone, radio, or television'' and inserting ''telephone, the Internet, radio, television, or any technology''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 23 of the Animal Welfare Act (7 U.S.C. 2153) is amended—

(1) by striking ''SEC. 23. The Secretary'' and inserting the following:

''SEC. 23. FEES; AUTHORIZATION OF APPROPRIATIONS.

''(a) FEES.—The Secretary''; and

(2) by striking the third sentence and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the later of—

(1) the date of enactment of this Act; or

(2) May 13, 2003.

At the end of title VIII, add the following:

SEC. 8___. INCREASE IN MAXIMUM FINES FOR VIOLATION OF PUBLIC LAND REGULATIONS AND ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS DURING FIRE BAN.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) is amended—

(1) in the second sentence, by striking ''no more than $1,000'' and inserting ''as provided in title 18, United States Code,''; and

(2) by inserting after the second sentence the following: ''In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

(b) NATIONAL PARK SYSTEM LANDS.—

(1) FINES.—Section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3) is amended—

(A) by striking ''That the Secretary'' at the beginning of the section and inserting ''(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—The Secretary'';

(B) by striking ''$500'' and inserting ''$10,000''; and

(C) by inserting after the first sentence the following: ''In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by striking ''He may also'' the first place it appears and inserting the following:

''(b) SPECIAL MANAGEMENT AUTHORITIES.—The Secretary of the Interior may'';

(B) by striking ''He may also'' the second place it appears and inserting ''The Secretary may''; and

(C) by striking ''No natural,'' and inserting the following:

''(c) LEASE AND PERMIT AUTHORITIES.—No natural''.

(c) NATIONAL FOREST SYSTEM LANDS.—The eleventh undesignated paragraph under the heading ''SURVEYING THE PUBLIC LANDS'' of the Act of June 4, 1897 (16 U.S.C. 551), is amended—

(1) by striking ''$500'' and inserting ''$10,000''; and

(2) by inserting after the first sentence the following: ''In the case of such a rule or regulation regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

SA 2047. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. CORZINE, Mr. BINGAMAN, Ms. STABENOW, and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. For an additional amount for the Global AIDS Initiative, $589,700,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 2048. Mr. BINGAMAN (for himself and Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 22, line 7, strike ''$700,000,000'' and insert ''$900,000,000''.

On page 45, line 8, strike ''$1,000,000,000'' and insert ''$800,000,000''.

SA 2049. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

In Senate Amendment 1968, strike the following:

On page 18, line 10, after ''Jordan'' insert the following: '', which sum shall be disbursed within 30 days of enactment of this Act''.

Strike amendments 1995 and 2004 to H.R. 2800, which were adopted by unanimous consent on October 28, 2003.

At the appropriate place in the bill, insert the following:

INTERNATIONAL MILITARY TRAINING ASSISTANCE FOR INDONESIA

SEC. . (a) Subject to subsection (b), none of the funds appropriated under the heading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' shall be made available for Indonesia, except that such prohibition shall not apply to expanded military education and training.

(b) The President may waive the application of subsection (a) if the President determines that important national security interests of the United States justify such a waiver and the President submits notice of such a waiver and justification to the Committees on Appropriations in accordance with the regular notification procedures of such Committees.

(c) Respect of the Indonesian military for human rights and the normalization of the military relationship between the United States and Indonesia is in the interests of both countries. The normalization process cannot begin until the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesian armed forces with respect to its investigation into the August 31, 2002, murders of two American citizens and one Indonesian citizen in Timika, Indonesia, and the individuals responsible for those murders have been prosecuted and appropriately punished.

At the appropriate place insert the following:

SEC. . TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)) is amended by striking ''subparagraph (A)'' and inserting ''clause (i)''.

SA 2050. Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 27, line 4 after the colon, insert the following: ''*Provided further*, That of the funds appropriated under this heading, $500,000 shall be made available to support democracy building programs in Russia through the Sakharov Archives:''.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled ''DOD's Improper Use of First and Business Class Airline Travel.'' The Subcommittee's hearing will focus on a recently completed General Accounting Office investigation of the Department of Defense's use and monitoring of premium airline travel during fiscal years 2001 and 2002. The hearing will identify the types of abuse, discuss the causes, determine the magnitude of the problem, and identify what corrective action is required. The hearing objective is to conduct continuing oversight over the use of government-issued travel cards to ensure that expected cost savings are realized.

The hearing will take place on Thursday, November 6, 2003, at 2 p.m, in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel of the Subcommittee, at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 30, 2003, at 10 a.m., to conduct a hearing on ''The Treasury's Department's Report to Congress on International Economic and Exchange Rate Policy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on October 30, 2003, at 10 a.m., on universal service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families and Committee on Foreign Relations, Subcommittee on African Affairs be authorized to meet for a hearing on ''A Morale Imperative: Frist Report on the HIV/AIDS Codel to Africa'' during the session of the Senate on Thursday, October 30, 2003, at 3 p.m., in S211.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 30, 2003, at 10 a.m. in Dirksen Room 226.

Agenda:

I. Nominations: Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; Dora L. Irizarry to be U.S. District Judge for the Eastern District of New York; William K. Sessions III to be a Member of the U.S. Sentencing Commission; D. Michael Fisher to be U.S. Circuit Judge for the Third Circuit; Janice R. Brown to be U.S. Circuit Judge for the District of Columbia Circuit; David L. Huber to be U.S. Attorney for the Western District of Kentucky.

II. Bills: S. 1720, a bill to provide for Federal court proceedings in Plano, Texas [Cornyn]; S. 710, Anti-Atrocity Alien Deportation Act of 2003 [Leahy, Hatch]; S. Con. Res. 58, Expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month [DeWine, Biden, Feinstein]; S. Con. Res. , Recognizing that November 2, 2003, shall be dedicated to ''A tribute to survivors'' at the United States Holocaust Memorial Museum [Hatch].

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, October 30, 2003, at 2:00 p.m., on ''Monopsony Issues in Agriculture: Buying Power of Processors in Our Nation's Agricultural Markets,'' in the Dirksen Senate Office Building Room 226.

Witness list:

''Monopsony Issues in Agriculture: Buying Power of Processors in Our Nation's Agricultural Markets'' Thursday, October 30, 2003, 2:00 p.m., SD–226.

Panel I: The Honorable R. Hewitt Pate, Assistant Attorney General for Antitrust, U.S. Department of Justice, Washington, DC.

Panel II: Dr. Dee Von Bailey, Professor and Extension Economist, Department of Economics, Utah State University, Logan, UT; Dr. Ronald W. Cotterill, Professor of Agricultural and Resource Economics, University of Connecticut, Storrs, CT; Professor Peter Carstensen, George H. Young-Bascom Professor of Law, University of Wisconsin-Madison, Madison, WI.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 9 a.m. to hold a hearing on Syria: U.S. Policy Directions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 2:30 p.m. to hold a sub committee hearing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 2:30 p.m. to hold a sub committee hearing on Combating Transnational Crime & Corruption in Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, October 30, 2003, for a hearing to consider the nominations of Cynthia R. Church, to be Assistant Secretary of Veterans Affairs for Public and Intergovernmental Affairs, and Robert N. McFarland, to be Assistant Secretary of Veterans Affairs for Information and Technology. The hearing will take place in room 418 of the Russell Senate Office Building at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on Elder Justice and Protection: Stopping the Financial Abuse during the session of the Senate on Thursday, October 30, 2003, at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 30 at 10 a.m. The Purpose of the hearings is to receive testimony on the following bills: S. 1241, to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; S. 1364, to amend the Alaska National Interest Lands Conservation Act to authorize the payment of expenses after the death of certain Federal employees in the State of Alaska; S. 1433, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River Watershed of the States of New Hampshire and Vermont; S. 1462, to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 30 at 2:30 p.m. The purpose of the hearing is to examine S. 1097, a bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Bridget Lipscomb, a member of my staff, be given the privilege of the floor during the consideration of Judge Pickering's nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Mary Guillot, of my office staff, be granted the privileges of the floor for the remainder of the consideration of H.R. 1904.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS, 2004

Mr. STEVENS. I ask unanimous consent that the Senate now proceed to the consideration of H.J. Res. 75, the continuing resolution. I further ask consent that the resolution be read a third time and passed and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 75) was read the third time and passed.

HEALTHY FORESTS RESTORATION ACT OF 2003

AMENDMENT NO. 2046, AS MODIFIED

Mr. FRIST. I ask unanimous consent that notwithstanding the passage of H.R. 1904, the previously agreed upon amendment No. 2046 be modified with the changes which are at the desk.

The PRESIDING OFFICER. Without objection, the modification is agreed to.

The amendment (No. 2046), as modified, was agreed to, as follows:

On page 50 and 51, strike all language and insert the following:

(a) IN GENERAL.—The boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled ''Green Mountain Expansion Area Map I'' and ''Green Mountain Expansion Area Map II,'' each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460–9), the boundaries of the Green Mountain National Forest, as adjusted by this Act, shall be considered to be the boundaries of the national forest as of January 1, 1965.

A TRIBUTE TO SURVIVORS

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 76 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 76) recognizing that November 2, 2003, shall be dedicated to A Tribute to Survivors at the United States Holocaust Memorial Museum.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 76) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 76

Whereas, in 1945, American soldiers and other Allied forces, defeated Nazi Germany, ending World War II in Europe and the systematic murder of Europe's Jews and other targeted groups;

Whereas 6,000,000 Jews were killed during the Holocaust, and after World War II hundreds of thousands of survivors immigrated to the United States, where in spite of their enormous suffering, they rebuilt their lives, and embraced and enriched their adopted homeland;

Whereas, in 1978, President Jimmy Carter created the President's Commission on the Holocaust to make a recommendation regarding ''the establishment . . . of an appropriate memorial to those who perished in the Holocaust'';

Whereas President Carter said: ''Out of our memory . . . of the Holocaust we must forge an unshakable oath with all civilized people that never again will the world stand silent, never again will the world . . . fail to act in time to prevent this terrible crime of genocide. . . . [W]e must harness the outrage of our own memories to stamp out oppression wherever it exists. We must understand that human rights and human dignity are indivisible.'';

Whereas, in 1979, the Commission recommended ''a living memorial that will speak not only of the victims' deaths but of their lives, a memorial that can transform

the living by transmitting the legacy of the Holocaust'';

Whereas, in 1980, the United States Congress unanimously passed legislation authorizing the creation of the United States Holocaust Memorial Museum as a ''permanent living memorial'' on Federal land in the Nation's Capital;

Whereas, in 1983, Vice President George Bush designated the Federal land on which the United States Holocaust Memorial Museum would be built;

Whereas Vice President Bush said: ''Here we will learn that each of us bears responsibility for our actions and our failure to act. Here we will learn that we must intervene when we see evil arise. Here we will learn more about the moral compass by which we navigate our lives and by which countries navigate the future.'';

Whereas, in 1985, Holocaust survivors participated in the groundbreaking ceremony at the site of the future United States Holocaust Memorial Museum;

Whereas, in 1988, President Ronald Reagan dedicated the cornerstone of the United States Holocaust Memorial Museum;

Whereas President Reagan said: ''We who did not go their way owe them this: We must make sure that their deaths have posthumous meaning. We must make sure that from now until the end of days all humankind stares this evil in the face . . . and only then can we be sure it will never arise again.'';

Whereas, in 1992, replicas of 2 of the milk cans that hid the Oneg Shabbat archive under the Warsaw Ghetto were buried beneath the Museum's Hall of Remembrance, with a Scroll of Remembrance signed by Holocaust survivors;

Whereas, in 1993, President Bill Clinton opened the United States Holocaust Memorial Museum;

Whereas President Clinton said: ''[T]his museum will touch the life of everyone who enters and leave everyone forever changed; a place of deep sadness and a sanctuary of bright hope; an ally of education against ignorance, of humility against arrogance, an investment in a secure future against whatever insanity lurks ahead. If this museum can mobilize morality, then those who have perished will thereby gain a measure of immortality.'';

Whereas, in 2001, President George W. Bush delivered the keynote address at the first Days of Remembrance ceremony after he assumed office.

Whereas President Bush said: ''When we remember the Holocaust and to whom it happened, we must also remember where it happened . . . The orders came from men who . . . had all the outward traits of cultured men, except for conscience. Their crimes showed the world that evil can slip in, and blend in, even amid the most civilized surroundings. In the end, only conscience can stop it. And moral discernment, decency, tolerance—these can never be assumed in any time, or any society. They must always be taught.'';

Whereas the United States Holocaust Memorial Museum has had more than 19,000,000 visitors in the first 10 years of its existence;

Whereas, in 2003, the United States Holocaust Memorial Museum, on the occasion of its 10th Anniversary, wishes to pay tribute to America's Holocaust survivors, who worked tirelessly to help build the Museum and whose committed support and involvement continue to make the institution such as extraordinary memorial and a vital part of life in the United States; and

Whereas the United States Holocaust Museum has a sacred obligation to preserve and transmit the history and lessons of the Holocaust and, together with the Holocaust survivors, must ensure that the legacy of the survivors is passed on to each new generation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that November 2, 2003, shall be dedicated to ''A Tribute to Survivors'' at the United States Holocaust Memorial Museum and shall be devoted to honoring our Nation's Holocaust survivors, as well as their liberators and rescuers, and their families;

(2) recognizes that on that day, the United States Holocaust Memorial Museum shall be devoted in its entirety to special programs about and for the survivors of the Holocaust;

(3) commends the United States Holocaust Memorial Museum for its first decade of education dedicated to the memory of the victims of the Holocaust;

(4) endeavors to continue to support the vital work of the United States Holocaust Memorial Museum; and

(5) requests that this resolution shall be duly recorded in the official records of the United States Holocaust Memorial Museum.

UNANIMOUS CONSENT AGREEMENT—H.R. 3289

Mr. FRIST. I ask unanimous consent that at 11 a.m. on Monday, November 3, the Senate proceed to the consideration of the conference report to accompany H.R. 3289, the Iraq-Afghanistan supplemental. I further ask that the time until 5 p.m. be equally divided between the chairman and ranking member of the committee, with the minority time allocated as follows: Senator BYRD, 60 minutes; Senator DURBIN, 30 minutes; Senator KENNEDY, 30 minutes; Senator DORGAN, 15 minutes; Senator DAYTON, 10 minutes; Senator DASCHLE, 30 minutes. I further ask unanimous consent that at 5 p.m. the conference report be adopted with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask the distinguished majority leader to amend the time of the minority to have Senator DAYTON, 15 minutes; Senator DASCHLE, 20 minutes; Senator HARKIN, 5 minutes. It all works out to the same amount of time.

The PRESIDING OFFICER. Without objection, the request, with the modification, is agreed to.

ORDERS FOR FRIDAY, OCTOBER 31, 2003

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Friday, October 31. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Daily Digest

HIGHLIGHTS

Senate and House passed H.J. Res. 75, Continuing Appropriations.

Senate passed H.R. 1904, Healthy Forest Restoration Act.

Senate passed H.R. 2800, Foreign Operations Appropriations Act.

The House agreed to the conference report on H.R. 2115, Flight 100—Century of Aviation Reauthorization Act.

The House agreed to the conference report on H.R. 2691, Department of Interior and Related Agencies Appropriations Act of FY 2004.

The House agreed to the conference report on H.R. 3289, Supplemental Appropriations Act for FY 2004.

Senate

Chamber Action

Routine Proceedings, pages S13613–S13697

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 1798–1804, S. Res. 255, and S. Con. Res. 78. **Page S13660**

Measures Reported:

S. 1663, to replace certain Coastal Barrier Resources System maps. (S. Rept. No. 108–179)

H.R. 274, to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge. (S. Rept. No. 108–180)

S. 1395, to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2004 through 2005, with amendments. (S. Rept. No. 108–181)

S. 1402, to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2004 through 2008, with amendments. (S. Rept. No. 108–182)

S. 1720, to provide for Federal court proceedings in Plano, Texas, with an amendment in the nature of a substitute.

S. Con. Res. 58, expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month, with an amendment in the nature of a substitute and with an amended preamble. **Page S13659**

Measures Passed:

Continuing Appropriations: Senate passed H.J. Res. 75, making further continuing appropriations for the fiscal year 2004, clearing the measure for the President. **Page S13659**

Healthy Forests Restoration Act: By 80 yeas to 14 nays (Vote No. 428), Senate passed H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, after agreeing to the committee amendment in the nature of a substitute, and taking action on the following amendments proposed thereto: **Pages S13600–11, S13613–37**

Adopted:

Bingaman Amendment No. 2036, to require collaborative monitoring of forest health projects. **Pages S13609–11, S13613–16**

Bingaman Amendment No. 2042, to require best-value contracting criteria in awarding contracts and agreements. **Pages S13616–17**

Cochran Amendment No. 2046, to make certain improvements to the bill. **Page S13631**

Notwithstanding passage of the bill, Cochran Amendment No. 2046 was subsequently modified. **Page S13696**

Rejected:

Bingaman Amendment No. 2035, to require the treatment of slash and other long-term fuels management for hazardous fuels reduction projects. (By 58 yeas to 36 nays (Vote No. 422), Senate tabled the amendment.) **Pages S13608–09**

Leahy Amendment No. 2039, to remove certain provisions relating to administrative and judicial review. (By 62 yeas to 33 nays (Vote No. 423), Senate tabled the amendment.) **Pages S13609–11**

Boxer Amendment No. 2043, to increase the minimum percentage of funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface. (By 61 yeas to 34 nays (Vote No. 424), Senate tabled the amendment.) **Pages S13617–21**

Murray Amendment No. 2030, to ensure protection of old-growth stands. (By 62 yeas to 32 nays (Vote No. 425), Senate tabled the amendment.) **Pages S13621–24**

Cantwell Modified Amendment No. 2038, to require the Comptroller General to study the costs and benefits of the analysis of alternatives in environmental assessments and environmental impact statements. (By 57 yeas to 34 nays (Vote No. 426), Senate tabled the amendment.) **Pages S13624–26**

Harkin Amendment No. 2045, to provide authority for title I, relative to hazardous fuels reduction on federal land. (By 61 yeas to 31 nays (Vote No. 427), Senate tabled the amendment.) **Pages S13626–31**

During consideration of this measure today, the Senate also took the following action:

By 36 yeas to 60 nays (Vote No. 421), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Bingaman Amendment No. 2031, to provide the Secretary of Agriculture with the authority to borrow funds from the Treasury to pay for firefighting costs that exceed funds available and to provide funding to conduct hazardous fuels reduction and burned area restoration projects on non-Federal lands in and around communities. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained, and the amendment thus falls. **Pages S13601–05**

Foreign Operation Appropriations Act: Senate passed H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto: **Pages S13637–51**

Adopted:

By 89 yeas to 1 nay (Vote No. 429), DeWine Amendment No. 1966, to increase assistance to combat HIV/AIDS. **Pages S13638–39**

McConnell Amendment No. 2049, to make certain technical corrections and to provide for international military training assistance for Indonesia. **Page S13648**

McConnell (for Stevens) Amendment No. 2050, to provide assistance for democracy programs in Russia. **Pages S13648–49**

McConnell Amendment No. 1970, to express the sense of the Senate on Burma. **Pages S13649–51**

Rejected:

By 45 yeas to 47 nays (Vote No. 430), Feinstein Amendment No. 1977, to clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care. **Pages S13644–46**

By 41 yeas to 51 nays (Vote No. 432), Bingaman/Daschle Amendment No. 2048, to make an additional $200,000,000 available for the Global AIDS Initiative and reduce the amount available for Millennium Challenge Assistance by $200,000,000. **Pages S13645, S13647–48**

During consideration of this measure today, the Senate also took the following action:

By 42 yeas to 50 nays (Vote No. 431), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Durbin Amendment No. 2047, to increase assistance to combat HIV/AIDS. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained, and the amendment thus falls. **Pages S13639–44, S13646–47**

McConnell (for Kennedy) Amendment No. 2023, to provide for the disclosure of prices paid for HIV/AIDS medicines in developing countries, previously agreed to on Tuesday, October 28, 2003, was modified. **Page S13648**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators McConnell, Specter, Gregg, Shelby, Bennett, Campbell, Bond, DeWine, Stevens, Leahy, Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, and Byrd. **Page S13651**

A Tribute to Survivors: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 76, recognizing that November 2, 2003, shall be dedicated to ''A Tribute to Survivors'' at the

United States Holocaust Memorial Museum, and the resolution was then agreed to. **Pages S13696–97**

Climate Stewardship Act: Senate continued consideration of S. 139, to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangeably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances, taking action on the following amendment proposed thereto: **Pages S13572–98**

Rejected:

By 43 yeas to 55 nays (Vote No. 420), Lieberman/McCain Amendment No. 2028, in the nature of a substitute. **Pages S13572, S13598**

A unanimous-consent agreement was reached providing that the bill be re-referred to the Committee on Environment and Public Works. **Page S13598**

Interior Department Appropriations—Conference Report: A unanimous-consent agreement was reached providing that on Monday, November 3, 2003, at a time determined by the Majority Leader, after consultation with the Democratic Leader, Senate begin consideration of the conference report to accompany H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004; that there be 60 minutes of debate equally divided; and following the use or yielding back of time, Senate vote on adoption of the conference report on Monday, November 3, 2003, at a time determined by the Majority Leader, after consultation with the Democratic Leader. **Page S13643**

Internet Tax Non-Discrimination Act: A unanimous-consent agreement was reached providing that at a time determined by the Majority Leader, after consultation with the Democratic Leader, but not before Thursday, November 6, 2003, Senate begin consideration of S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act. **Pages S13643–44**

Emergency Supplemental, Iraq and Afghanistan Appropriations Act Conference Report—Agreement: A unanimous-consent agreement was reached providing that at 11 a.m., on Monday, November 3, 2003, Senate begin consideration of the conference report to accompany 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; with the time until 5 p.m. equally divided and that at 5 p.m. the conference report be adopted. **Page S13697**

Nomination Considered: Senate resumed consideration of the nomination of of Charles W. Pickering, Sr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit. **Pages S13535–72**

During consideration of this measure today, Senate also took the following action:

By 54 yeas to 43 nays (Vote No. 419), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination. **Page S13572**

Nominations Received: Senate received the following nominations:

1 Army nomination in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Army, Marine Corps, Navy. **Page S13612**

Messages From the House: **Pages S13658–59**

Measures Referred: **Page S13658**

Enrolled Bills Presented: **Page S13659**

Executive Reports of Committees: **Pages S13659–60**

Additional Cosponsors: **Pages S13660–61**

Statements on Introduced Bills/Resolutions: **Pages S13661–81**

Additional Statements: **Page S13658**

Amendments Submitted: **Pages S13681–95**

Notices of Hearings/Meetings: **Page S13695**

Authority for Committees to Meet: **Pages S13695–96**

Privilege of the Floor: **Page S13696**

Record Votes: Fourteen record votes were taken today. (Total—432) **Pages S13572, S13598, S13605, S13609, S13611, S13621, S13624, S13626, S13630–31, S13637, S13639, S13646, S13647, S13648**

Adjournment: Senate met at 9 a.m., and adjourned at 11:44 p.m., until 10 a.m., on Friday, October 31, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S13611.)

Committee Meetings

(Committees not listed did not meet)

PALESTINIAN EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded a hearing to examine the content of Palestinian education materials, including textbooks and films, and the effect such materials have on the peace

process, focusing on the United States foreign aid program in the West Bank and the Gaza Strip, and curriculum that promotes principles of human rights, democracy, diversity, tolerance, and pluralism, after receiving testimony from Richard L. Armitage, Deputy Secretary of State; James Kunder, Deputy Assistant Administrator for Asia and the Near East, U.S. Agency for International Development; Daniel Pipes, U.S. Institute of Peace, and James Zogby, Arab American Institute, both of Washington, D.C.; Itamar Marcus, Palestinian Media Watch, Jerusalem, Israel; Hassan Abdul Rahman, Palestinian Authority, Gaza; and Morton Klein, Zionist Organization of America, New York, New York.

INTERNATIONAL ECONOMIC AND EXCHANGE RATE POLICIES

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the Treasury Department's report to Congress on international economic and exchange rate policy, after receiving testimony from John W. Snow, Secretary of the Treasury.

UNIVERSAL TELECOMMUNICATIONS SERVICE

Committee on Commerce, Science, and Transportation: Subcommittee on Communications concluded a hearing on the future of Universal Telecommunications Service, focusing on opening local markets to competition and preserving and advancing universal service, as it confronts widespread marketplace and technological developments, after receiving testimony from Michael K. Powell, Chairman, Federal Communications Commission.

NATIONAL PARKS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 1241, to establish the Kate Mullany National Historic Site in the State of New York, S. 1364, to amend the Alaska National Interest Lands Conservation Act to authorize the payment of expenses after the death of certain Federal employees in the State of Alaska, S. 1433, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, and S. 1462, to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, after receiving testimony from Senator Clinton; Durand Jones, Deputy Director, National Park Service, Department of the Interior; Gregory B. Paxton, The Georgia Trust for Historic Preservation, Atlanta; Sean McKeon, Northeast Regional Forest Foundation, Brattleboro, Vermont; Hans Neuhauser, Georgia Environmental Policy Institute, Athens, on behalf of The Wilderness Society, Wilderness Watch, and The Georgia Conservancy; and Sharon F. Francis, Connecticut River Joint Commissions, Charlestown, New Hampshire.

CALFED BAY-DELTA PROGRAM

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program, focusing on authorizing funding for fiscal years 2004 through 2007, as well as governance and management authorities for a comprehensive, balanced and timely water management program for California, after receiving testimony from Representative Calvert; Bennett W. Raley, Assistant Secretary of the Interior for Water and Science; Patrick Wright, California Bay-Delta Authority, and David Guy, Northern California Water Association, both of Sacramento; Tom Birmingham, Westlands Water District, Fresno, California; Sunne W. McPeak, Bay Area Council, San Francisco, California; Ron Gastelum, Metropolitan Water District of Southern California, Los Angeles; and Tom Graff, Environmental Defense, Oakland, California.

U.S.-SYRIA RELATIONS

Committee on Foreign Relations: Committee met in closed session to receive a briefing to examine U.S. policy directions relating to Syria from J. Cofer Black, Coordinator, Office of the Coordinator for Counterterrorism, Department of State.

U.S.-SYRIA RELATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the current direction of U.S. policy towards Syria, focusing on developing a relationship with Syria in the context of furthering goals toward peace, prosperity and democracy in the Middle East, after receiving testimony from William J. Burns, Assistant Secretary for Near Eastern Affairs, and J. Cofer Black, Coordinator, Office of the Coordinator for Counterterrorism, both of the Department of State; and Patrick Clawson, Washington Institute for Near East Policy, Richard W. Murphy, Council on Foreign Relations, Murhaf Jouejati, George Washington University, and Flynt L. Leverett, Brookings Institution, Saban Center for Middle East Studies, all of Washington, D.C.

HIV/AIDS IN AFRICA

Committee on Foreign Relations: Subcommittee on African Affairs met jointly with the Committee on

Health, Education, Labor, and Pensions' Subcommittee on Children and Families to receive a report from Senator Frist relative to the HIV/AIDS Codel to Africa.

ELDER JUSTICE AND PROTECTION

Committee on Health, Education, Labor, and Pensions: Subcommittee on Aging concluded a hearing to examine financial abuse and exploitation of the elderly, focusing on issues that elderly consumers face in today's investment marketplace, after receiving testimony from Maryland State Attorney General J. Joseph Curran, Jr., Baltimore; Carol Scott, Missouri Department of Health and Senior Services, Jefferson City, on behalf of the National Association of State Long-Term Care Ombudsman Programs; Robert B. Blancato, National Committee for the Prevention of Elder Abuse, Washington, D.C.; W. Lee Hammond, AARP, Salisbury, Maryland; and Richmond D. Chambers, Chevy Chase, Maryland.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1720, to provide for Federal court proceedings in Plano, Texas, with an amendment in the nature of a substitute;

S. Con. Res. 58, expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month, with an amendment in the nature of a substitute;

S. Con. Res. 76, recognizing that November 2, 2003, shall be dedicated to "A Tribute to Survivors" at the United States Holocaust Memorial Museum; and

The nominations of Dora L. Irizarry, to be United States District Judge for the Eastern District of New York, William K. Sessions III, of Vermont, to be a Member of the United States Sentencing Commission, and David L. Huber, to be United States Attorney for the Western District of Kentucky, Department of Justice.

AGRICULTURE MONOPSONIES

Committee on the Judiciary: Committee concluded a hearing to examine monopsony issues in agriculture, focusing on the buying power of processors in the nation's agricultural markets, the role of antitrust enforcement in ensuring that agricultural markets are competitive, and the status of producers in an environment of concentrated purchasers of commodities, after receiving testimony from Senator Harkin; R. Hewitt Pate, Assistant Attorney General, Antitrust Division, Department of Justice; DeeVon Bailey, Utah State University Department of Economics and Cooperative Extension Service, Logan; Ronald W. Cotterill, University of Connecticut Department of Agricultural and Resource Economics, Storrs; and Peter C. Carstensen, University of Wisconsin Law School, Madison.

NOMINATIONS

Committee on Veterans Affairs: Committee concluded a hearing to examine the nominations of Cynthia R. Church, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs), who was introduced by Senator Warner, and Robert N. McFarland, of Texas, to be an Assistant Secretary of Veterans Affairs (Information and Technology), who was introduced by Senator Hutchison, after each nominee testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 21 public bills, H.R. 3406–3427; and 7 resolutions, H. Con. Res. 316–319 and H. Res. 425–427, were introduced.

Pages H10235–37

Additional Cosponsors: Pages H10237–38

Reports Filed: Reports were filed today as follows:

Conference report 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 (H. Rept. 108–337); and

H. Res. 424, waiving points of order against the conference report to accompany 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 (H. Rept. 108–338). **Page H10235**

Approval of Journal: The House agreed to the Speaker's approval of the Journal of Thursday, October 29 by a recorded vote of 345 ayes to 58 noes with one voting ''present'', Roll No. 581.

Pages H10137–38

Motions to Adjourn: The House rejected the McGovern motion to adjourn by a yea-and-nay vote of 86 yeas to 317 nays, Roll No. 580.

Pages H10136–37

The House rejected the Berry motion to adjourn by a recorded vote of 76 ayes to 328 noes, Roll No. 584. **Page H10163**

The House rejected the McGovern motion to adjourn by a yea-and-nay vote of 68 yeas to 346 nays, Roll No. 585. **Pages H10170–71**

The House rejected the Hastings of Florida motion to adjourn by a recorded vote of 54 ayes to 360 noes, Roll No. 588. **Pages H10175–76**

The House rejected the Oberstar motion to adjourn by a yea-and-nay vote of 55 yeas to 360 nays, Roll No. 589. **Pages H10179–80**

The House rejected the Oberstar motion to adjourn by a yea-and-nay vote of 59 yeas to 343 nays, Roll No. 590. **Page H10181**

Continuing Appropriations for FY 2004: The House passed H.J. Res 75, making further continuing appropriations for the fiscal year 2004 by a yea-and-nay vote of 406 yeas to 13 nays, Roll No. 583. **Pages H10157–63**

Agreed to H. Res. 417, the rule providing for consideration of the bill on Wednesday, October 29.

Flight 100—Century of Aviation Reauthorization Act—Conference Report: The House agreed to the conference report on H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, by a recorded vote of 211 ayes to 207 noes, Roll No. 592.

Pages H10163–70, H10173–89

Rejected the Oberstar motion to recommit the conference report with instructions to the conference committee by a yea-and-nay vote of 197 yeas to 219 nays, Roll No. 591. **Pages H10187–88**

Agreed to H. Res. 422, the rule providing for consideration of the bill by a recorded vote of 220 ayes to 199 noes, Roll No. 587, after agreeing on a motion to order the previous question by a recorded vote of 222 ayes to 199 noes, Roll No. 586.

Pages H10174–75

Recess: The House recessed at 1:40 p.m. and reconvened at 3 p.m.

Interior Department Appropriations Act for FY 2004—Conference Report: The House agreed to H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 by a yea-and-nay vote of 216 yeas to 205 nays, Roll No. 595.

Pages H10190–H10205

Rejected the Hinchey motion to recommit the conference report to the conference committee by a yea-and-nay vote of 190 yeas to 229 nays, Roll No. 594. **Page H10204**

Agreed to H. Res. 418, the rule providing for consideration of the conference report on Wednesday, October 29.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Expressing gratitude to the members of the U.S. Armed Forces who were deployed in Somalia in 1993: Debated on Tuesday, October 28, H. Con. Res. 291, expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993, by a 2/3 yea-and-nay vote of 402 yeas with none voting ''nay'', Roll No. 582; **Pages H10138–39**

Repudiating the anti-Semitic sentiments expressed by Dr. Mahathir Mohamad: Debated on Tuesday, October 28, H. Res. 409, repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive, by a 2/3 yea-and-nay vote of 411 yeas with none voting ''nay'' and one voting ''present'', Roll No. 593; and **Pages H10189–90**

Sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States: Debated on Wednesday, October 29, H. Con. Res. 302, expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003, by a 2/3 yea-and-nay vote of 416 yeas with none voting ''nay'', Roll No. 596.

Pages H10205–06

Supplemental Appropriations Act for FY 2004—Conference Report: The House agreed to the conference report 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, by a yea-and-nay vote of 298 yeas to 121 nays, Roll No. 601.

Pages H10139–57, H10206–31

Rejected the Obey motion to recommit the conference report with instructions to the conference

committee by a yea-and-nay vote of 198 yeas to 221 nays, Roll No. 600. **Pages H10229–30**

Agreed to H. Res. 421, the rule waiving clause 6(a) of rule XIII, that requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee, by a yea-and-nay vote of 217 yeas and 197 nays, Roll No. 597. **Pages H10206–10**

Agreed to H. Res. 424, the rule providing for consideration of the conference report by a voice vote. **Pages H10211–14**

Energy Policy Act of 2003: The House rejected the Eddie Bernice Johnson of Texas 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, by a yea-and-nay vote of 182 yeas to 232 nays, Roll No. 598. **Page H10210**

Medicare Prescription Drug and Modernization Act of 2003: The House rejected the Davis of Florida 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 by a yea-and-nay vote of 195 yeas to 217 nays, Roll No. 599. **Pages H10210–11**

Meeting Hour: The House agreed that when it adjourn today, it adjourn to meet at 12:30 p.m. on Tuesday, November 4 for morning-hour debate. **Page H10233**

Calendar Wednesday: The House agreed to dispense with the Calendar Wednesday business of Wednesday, November 5. **Page H10233**

Library of Congress Trust Fund Board: The Chair announced the Speaker's appointment of Mrs. Elisabeth DeVos of Grand Rapids, Michigan, to the Library of Congress Trust Fund Board. **Page H10233**

Senate Message: Message received from the Senate today appears on page H10133.

Senate Referrals: S. 1405 and S. 1659 were ordered held at the desk, and S. 1590 and S. 1718 were referred to the Committee on Government Reform. **Page H10133**

Adjournment: The House met at 10 a.m. and adjourned at 12:37 a.m. on Friday, October 31.

Committee Meetings

U.S. CHEMICAL WEAPONS STOCKPILE DESTRUCTION

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on Destruction of the U.S. Chemical Weapons Stockpile—Program Status and Issues. Testimony was heard from Henry L. Hinton, Jr., Managing Director, Defense Capabilities Management, GAO; the following officials of the Department of Defense: Patrick Wakefield, Deputy Assistant to the Secretary (Chemical Demilitarization and Counterproliferation); Claude M. Bolton, Assistant Secretary of the Army (Acquisition, Logistics, and Technology); and Michael A. Parker, Director, U.S. Army Chemical Materials Agency; and Craig Conklin, Chief, Nuclear and Chemical Hazards Branch Preparedness Division, Emergency Preparedness and Response Division, Department of Homeland Security.

ENERGY EMPLOYEES WORKERS' COMPENSATION

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on "Energy Employees Workers' Compensation: Examining the Department of Labor's Role in Helping Workers with Energy-Related Occupational Illnesses and Diseases." Testimony was heard from Shelby Hallmark, Director, Office of Workers' Compensation Programs, Employment Standards Administration, Department of Labor; John Howard, M.D., Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services; and a public witness.

E-COMMERCE—ONLINE WINE SALES

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled "E-Commerce: The Case of Online Wine Sales and Direct Shipment." Testimony was heard from Todd Zywicki, Director, Office of Policy Planning, FTC; and public witnesses.

REVIEWING U.S. CAPITAL MARKET STRUCTURE

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled "Reviewing U.S. Capital Market Structure: Promoting Competition in a Changing Trading Environment." Testimony was heard from William H. Donaldson, Chairman, SEC; and public witnesses.

SERVING THE UNDERSERVED IN THE 21ST CENTURY

Committee on Government Reform: Held a hearing entitled "Serving the Underserved in the 21st Century: The Need for a Stronger, More Responsive Public Health Service Commissioned Corps." Testimony was heard from Vice Adm. Richard H. Carmona, M.D., Surgeon General, Department of Health and

Human Services; C. Everett Koop, M.D., former Surgeon General; and Julius B. Richmond, M.D., and former Surgeon General; and a public witness.

PRIVATE RELIEF BILLS; PROSPECTS FOR AMERICAN WORKERS: IMMIGRATION'S IMPACT

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims approved for full Committee action private relief bills.

The Committee also held an oversight hearing on "The Prospects for American Workers: Immigration's Impact." Testimony was heard from public witnesses.

OVERSIGHT—GAO REPORT—OIL AND GAS ACTIVITIES ON FEDERAL LANDS

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on the GAO report entitled "Opportunities to Improve the Management and Oversight of Oil and Gas Activities on Federal Lands." Testimony was heard from Barry T. Hill, Director, Natural Resources and Environment, GAO; and David Smith, Deputy Assistant Secretary, Fish, Wildlife and Parks, Department of the Interior.

OVERSIGHT—INTERNATIONAL COMMISSION—CONSERVATION OF ATLANTIC TUNAS

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on the upcoming 18th Regular Meeting of the International Commission for the Conservation of Atlantic Tunas. Testimony was heard from William T. Hogarth, Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce; the following officials of the U.S. International Commission for the Conservation of Atlantic Tunas (ICCAT): Glenn R. Delaney, Commercial Commissioner; and Robert G. Hayes, Recreational Commissioner; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 142, amended, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; H.R. 1156, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project; H.R. 2960, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project; and H.R. 2991, Inland Empire Regional Water Recycling Initiative.

The Subcommittee also held a hearing on the following: H.R. 3334, Riverside-Corona Feeder Authorization Act; the Provo River Project Transfer Act; and S. 212, High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act. Testimony was heard from the following officials of the Department of the Interior: John Keys III, Commissioner, Bureau of Reclamation; and Robert Hirsch, Assistant Director, Water Resources, U.S. Geological Survey; and public witnesses.

CONFERENCE REPORT—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany 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 against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Young and Representative Obey.

SPACE WEATHER

Committee on Science: Subcommittee on Environment, Technology, and Standards held a hearing on "What is Space Weather and Who Should Forecast It?" Testimony was heard from Ernest Hildner, Director, Space Environment Center, NOAA, Department of Commerce; John M. Grunfeld, Chief Scientist, NASA; Col. L. Benson, Jr., USAF, Air Force Weather Agency, Department of the Air Force; and public witnesses.

MATH SCIENCE PARTNERSHIP PROGRAM IMPLEMENTATION

Committee on Science: Subcommittee on Research held a hearing on Implementation of the Math Science Partnership Program: Views from the Field. Testimony was heard from public witnesses.

UNSOLICITED COMMERCIAL E-MAIL (SPAM)—IMPACT ON SMALL BUSINESSES

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing on the impact of unsolicited commercial e-mail (spam) on

small businesses. Testimony was heard from J. Howard Beales III, Director, Bureau of Consumer Protection, FTC; and public witnesses.

OVERSIGHT—FAA'S AIR TRAFFIC CONTROL MODERNIZATION PROGRAM STATUS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on The Status of the Federal Aviation Administration's Air Traffic Control Modernization Programs. Testimony was heard from the following officials of the Department of Transportation: Kenneth R. Mead, Inspector General; and Charles Keegan, Associate Administrator, FAA; Gerald Dillingham, Director, Civil Aviation Issues, GAO; and a public witness.

U.S.-CHINA ECONOMIC RELATIONS

Committee on Ways and Means: Held a hearing on United States-China Economic Relations and China's Role in the Global Economy. Testimony was heard from John B. Taylor, Under Secretary, International Affairs, Department of the Treasury; N. Gregory Mankiw, Chairman, Council of Economic Advisers; Ambassador Josette Shiner, Deputy U.S. Trade Representative; Douglas Holtz-Eakin, Director, CBO; Loren Yager, Director, Office of International Affairs and Trade, GAO; and Robert Rogowsky, Director, Office of Operations, U.S. International Trade Commission.

Hearings continue tomorrow.

SECURING FREEDOM AND THE NATION

Permanent Select Committee on Intelligence: Held a hearing entitled "Securing Freedom and the Nation: Collecting Intelligence Under the Law, Constitutional and Public Policy Consideration." Testimony was heard from public witnesses.

DEPARTMENT OF HOMELAND SECURITY FINANCIAL ACCOUNTABILITY ACT

Select Committee on Homeland Security: Ordered reported, as amended, H.R. 2886, Department of Homeland Security Financial Accountability Act.

STRENGTH THROUGH KNOWLEDGE

Select Committee on Homeland Security: Subcommittee on Cybersecurity, Science, and Research and Development held a hearing entitled "Strength Through Knowledge: Homeland Security Science and Technology; Setting and Steering a Strong Course." Testimony was heard from Parney C. Albright, Assistant Secretary, Plans, Programs and Budgets, Department of Homeland Security.

Joint Meetings

EMERGENCY SUPPLEMENTAL, IRAQ AND AFGHANISTAN APPROPRIATIONS ACT

Conferees on Wednesday, October 30, 2003, agreed to file a conference report on the differences between the Senate and House passed versions of 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.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 1186)*

H.R. 1900, to award a congressional 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. Signed on October 29, 2003. (Public Law 108–101).

H.R. 3229, 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. Signed on October 29, 2003. (Public Law 108–102).

S. 1591, 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". Signed on October 29, 2003. (Public Law 108–103).

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 31, 2003

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Ways and Means, to continue hearings on United States-China Economic Relations and China's Role in the Global Economy, 9 a.m., 1100 Longworth.

Next Meeting of the SENATE

10 a.m., Friday, October 31

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, November 4

House Chamber

Program for Tuesday: To be announced.

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