United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, NOVEMBER 5, 2003 No. 159

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BASS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 5, 2003.

I hereby appoint the Honorable CHARLES F. BASS to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend James Thomas, Pastor, Jefferson Street Missionary Baptist Church, Nashville, Tennessee, offered the following prayer:

Our God, who has given this Nation the democratic ideals by which our destiny is fashioned, we thank You, that You have blessed our land to survive the infectious climate of confusion, uncertainty, poverty, war and numerous of other ills; but raising up among us capable leaders from the North, South, East and West, our best who have been elected by us.

We set them before thee. Bless each one, one by one. Give them the shoes for the journey and strength for their feet. Let us never forget the least, the less, and the left out, whose side You are on.

We ask a special prayer for our sons and daughters on the battlefield, whose days are darker than our nights. We pray for the mighty who have fallen. We pray for the hurt of their families and remind them that hurt goes away, but memories will last forever. Humble us as a people to know the high costs of freedom.

Now we ask that You be not just another guest this day, but You be the host. Make us nothing that You may be everything. God bless America. In Your name we pray.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. FOLEY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

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.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1720. An act to provide for Federal court proceedings in Plano, Texas.

HONORING THE REVEREND JAMES THOMAS

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

Mr. COOPER. Mr. Speaker, the Congress of the United States is honored today to have Pastor James Thomas, the reverend of Jefferson Street Missionary Baptist Church, to deliver the opening prayer.

Pastor Thomas has been a force for good in the Nashville community since 1964 when he hitchhiked from Texas with $4 in his pocket to attend American Baptist Theological Seminary.

NOTICE

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BRUCE R. JAMES, *Public Printer.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

Our colleague, the gentleman from Georgia (Mr. LEWIS), and many other civil rights leaders were trained at American Baptist.

Reverend Thomas was ordained as a minister of the gospel in 1970 and was called almost immediately in 1971 to lead Jefferson Street Missionary Baptist Church. There he has established a very powerful symbol for the grace of God on Jefferson Street, a street formerly known for its rock and roll music and blues. The church is now known around the Nation and around the world as a creative force in Christian leadership and community improvement.

Reverend Thomas is one of 13 children raised in Beaumont, Texas; and his love for his native State is still so great that people call him ''Tex''; but in Nashville, Tennessee, he is more likely to be called the mayor of Jefferson Street because he has always been a spokesman for the poor and the downtrodden, a spiritual leader for his congregation and the adversities of their daily lives, and a teacher of Governors and Senators and Congressmen and mayors and councilmen, including a Vice President, on what the right thing to do is on civil rights and many other social policy issues.

A small example of Pastor Thomas' work is his prison ministry. I was in his congregation one day when an ex-convict stood up and repaid the money that Pastor Thomas had loaned him, in fact, paid him many times over, thanking the minister for his kindness.

Pastor Thomas is a friend of the friendless. He is an activist who works hard every day to not only improve our lives in this life but to prepare us for the next. He is a man of God who speaks the word of God. And Nashville has been blessed for almost 40 years now to have this fine spiritual example, and we appreciate him every day.

ESSENTIAL BORDER SECURITY

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

Mr. SMITH of Texas. Mr. Speaker, this week the Associated Press carried a biased and inaccurate story on border security.

The writer said the U.S. has not prevented ''even one known militant'' from crossing our border with Mexico. I guess the person caught with a telephone number in his pocket linking him to three of the 9–11 terrorists did not count.

The point of border security is to prevent would-be terrorists from entering. Of course, there is no way of knowing how many people did not come because they were worried about being caught.

The reporter then tries to suggest that border security is a waste of money and blames the U.S. Border Patrol for deaths in Mexico of prospective illegal aliens.

Most Americans oppose illegal immigration and support our efforts to know who is coming into our country and why. They also know better than to blame America for Mexico's failure to stop its own citizens from making a dangerous trip.

HONORING SIEGFRIED AND ROY

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

Ms. BERKLEY. Mr. Speaker, I rise today with my colleague, the gentleman from Nevada (Mr. PORTER), in support of House Resolution 431, a resolution honoring the contributions of my good friends, Siegfried Fischbacher and Roy Horn, two men who are not only great entertainers but noted conservationists and generous philanthropists.

Every year, 36 million people visit Las Vegas hoping to catch a glimpse of these master illusionists. A staple of the Las Vegas community, this legendary duo has brought both magic and success to their many endeavors.

Siegfried and Roy have performed for more than 10 million people and have touched countless thousands of lives in my community and across the globe. Despite their enormous popularity, many do not know of their charitable contributions or world-renowned conservation efforts. Siegfried and Roy have made generous financial and personal donations to the communities and local charities in Las Vegas.

For more than 2 decades they have devoted their efforts to the conservation of Royal White Tigers and Magical White Lions. Today, these breeds are thriving due to Siegfried and Roy's persistence and successful efforts.

On October 3, on his birthday, Roy Horn was injured during a performance. Roy Horn is a close personal friend, and I know his strong spirituality and his persistence will aid him in his recuperation. There has been an outpouring of support from the Las Vegas community and the world, and I lend my voice to those who wish Roy a full and speedy recovery.

To audiences, Siegfried and Roy are illusionists without equal. To their friends, they are beloved and respected for all they have given and all they have accomplished. My thoughts and prayers are with Roy Horn and his family during this difficult time.

VETERANS ASSOCIATION ACCOMPLISHMENTS

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

Mr. FOLEY. Mr. Speaker, on the 11th hour of the 11th day of the 11th month, we will celebrate America's heroes and those are our veterans.

Since President Bush and Secretary Principi have taken office, one as President, one as the head of the VA, we have opened 194 new community clinics for a total of 676 clinics; 87 percent of the veterans now live within 30 minutes of a VA medical facility.

We have increased enrollment, increased outpatient visits. We have reduced waiting times for our veterans. We have increased prescription drugs coverage for our veterans. We lead for all veterans health clinic quality indicators throughout the entire scope of these facilities.

We have increased homeless veterans outreach with a $35 million collaborative program with HUD and HHS. We have reduced the inventory of related claims from over 432,000 to 253,000. We have reduced waiting times for claims answers. We have increased national cemeteries, now six new cemeteries: Atlanta, Detroit, South Florida, Fort Sill, Pittsburg, and Sacramento. We remain on course to complete our national shrine commitment to improve the appearance of our national cemeteries.

Veterans have received great response from this administration. We are proud of our record.

TRULY HONORING AMERICAN VETERANS

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

Mr. DEFAZIO. Mr. Speaker, the gentleman that preceded me in the well is correct. We should all celebrate Veterans' Day. In fact, we should celebrate Veterans' Day and honor Veterans' Day every day in this Chamber. But I do remember on the night that the war began in Iraq, we passed a resolution supporting the troops and an hour later we passed a budget that cut $2 billion out of the veterans budget.

I do remember that the President proposed doubling the prescription drug fee for veterans. I do remember that our veterans, the Democrats have offered a proposal to stop taxing disabled veterans, the disabled veterans tax. The President has threatened to veto any legislation which contains that.

So although the gentleman can rattle off those great statistics, that is not the experience of the veterans in my district. They are waiting longer to get minimal service. Fewer of them can get service. They have now established a new Category 8 of veterans who cannot get service even if they have served with valor in combat.

It is one thing to get up here and spout statistics and that, but the reality is can your veterans get the service they need that we promised when they need it; and the answer is for many, no.

INTERNATIONAL ACTION NEEDED IN BURMA

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

Mr. PITTS. Mr. Speaker, I rise today to ask once again, what more must happen in order for the international community to take deliberative, decisive action against the ruthless military dictatorship in Burma? Why would any country befriend this savage dictatorship that has no qualms about engaging in slave labor, systematic rape of women, destruction of villages, and murder of many innocent civilians?

The U.N. Security Council should act, not only because of the regional security problems related to Burma, but also because of the regime's horrific human rights abuses. The abuses have caused a humanitarian disaster as hundreds of thousands of people have fled across Burma's borders in almost every direction.

The military's brutal campaigns have created between 600,000 and 1 million internally displaced people, innocent men, women and children who live hiding in the jungles of Burma as they fear further attacks.

Mr. Speaker, the U.S., the U.N. Security Council, the international community should act now to stop the atrocities. Oppose the blockage of humanitarian aid, bring an end to the suffering of the people of Burma, and address the regional security problems from this regime.

HONORING SIEGFRIED AND ROY

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

Mr. PORTER. Mr. Speaker, I rise today with my colleague, the gentlewoman from Nevada (Ms. BERKLEY), in expressing my thoughts and prayers to our fellow Las Vegan, Roy Horn of Siegfried and Roy.

As many of you know, Roy Horn was seriously injured on October 3, 2003, when he was hurt on stage by one of his star tigers, Montecore. Since then Roy has been in critical condition, and I wish him quick and speedy recovery.

It was 30 years ago when Siegfried and Roy first debuted in Las Vegas. At that time it was only a dream for Las Vegas to be the entertainment capital of the world as it is today. Through hard work and perseverance, Siegfried and Roy became one of Las Vegas' top-selling shows, having performed in front of roughly 40 million people.

Recently named Magicians of the Century, Siegfried and Roy personify Las Vegas. Their shows are unlike anything Las Vegas has ever seen, a theatrical production, symbolic of a grandiose and flamboyant style of entertainment for which Las Vegas has become famous. Their success has been Las Vegas' success as well. Today, when people think Las Vegas, they think Siegfried and Roy. But when I think of Siegfried and Roy, I think of two men who came to this country with a dream and succeeded even beyond their wildest expectations.

□ 1015

As they once said, it is better to be an ordinary guy living an extraordinary life, than any other way. I would like to take a moment to applaud them for their conservation but also to give them our prayers and thoughts at this time.

GROWING FRUSTRATION WITH MEDICARE PRESCRIPTION DRUG BENEFIT NEGOTIATIONS

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

Mr. GREEN of Texas. Mr. Speaker, I rise today to voice my growing frustration with the ongoing negotiations to create a Medicare prescription drug benefit. This could be the largest expansion of this program since the inception almost 40 years ago. Changes to this program will affect every senior in every District.

Unfortunately, leaders of the conference committee only seem interested in pushing their own agenda. They are not listening to Members on this side of the aisle, and they are not listening to the growing numbers of senior citizens.

We have to find out from media reports that our colleagues are considering provisions to increase premiums, means test the program and ultimately privatize Medicare. If these media reports are to be believed, then the proposed benefit is even worse than what initially passed this House floor by one vote.

Combined costs of the premiums, deductibles and copays amount to $1,300 per senior, just for $2,000 worth of coverage. That means that the government pays $700 and our seniors pay $1,300, almost twice as much.

Mr. Speaker, my seniors do not like the sounds of any of these proposals. They are already paying 22 percent of their out-of-pocket costs on health care, and even though they may vote for a Democratic Member of Congress, they still deserve to have their voices heard.

I urge my conferees to listen to their House and Senate colleagues and do a bipartisan bill that provides seniors with the relief they need.

CONGRATULATIONS GOVERNORS-ELECT HALEY BARBOUR AND ERNIE FLETCHER

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

Mr. WILSON of South Carolina. Mr. Speaker, congratulations to Governor-elect Ernie Fletcher, our colleague from Kentucky, on his historic election yesterday as the first Republican-elected Governor in the Commonwealth in 32 years. I was honored to spend the last 4 days campaigning door-to-door for the Fletcher team, and I discovered firsthand our colleague and his wife Glenna are greatly admired for their integrity and competence.

Yesterday was also a big day in Mississippi with the election of Haley Barbour, who unseated a sitting Democratic Governor. As the RNC chairman, Governor-elect Barbour has proven he can make a difference. The Republican revolution inspired by Ronald Reagan for limited government and expanded freedom continues to consolidate throughout the South, building on last year's success in South Carolina with Mark Sanford, Georgia with Sonny Perdue and Alabama with Bob Riley.

The past month's Republican gubernatorial victories begun by Republican Governor-elect Arnold Schwarzenegger of California underscores the confidence by the American people in President Bush's economic policies reflected by this 7.2 percent gross domestic product increase and by support of the President's serious resolve to win the war on terror to protect the American people at home.

At this time, in conclusion, God bless our troops.

A REAL PRESCRIPTION DRUG PLAN

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

Mr. DAVIS of Illinois. Mr. Speaker, just as the seniors in Texas and all across the country are concerned about prescription drug coverage and the action of the conferees, so are those in Illinois. I met with a group of seniors on Saturday, and they are waiting in anticipation of a real plan, a real program, and they are saying, Mr. Speaker, that they do not want a watered-down version. They do not want a pig in a poke. They want something that is real, meaningful.

Please conferees, listen to the seniors. Let us come up with a real prescription drug plan.

SIGNING OF THE PARTIAL BIRTH ABORTION BAN

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

Mr. BOOZMAN. Mr. Speaker, I rise today to thank President Bush who will be signing the Partial Birth Abortion Ban later today. By making the Partial Birth Abortion Ban law, Congress and President Bush have listened to the strong voices of our constituents who want to protect the health of women and fight for the sanctity of life.

The Partial Birth Abortion Ban Act of 2003 bans the procedure in which a living fetus is partially delivered before the fetus is killed and delivery is completed. This law will have the power to stop partial birth abortion

and prosecute the doctors who continue to practice this horrific procedure. Furthermore, it will give the parents of minors and husbands the right to bring civil actions against said doctors.

As a father of three daughters and a member of the medical community, I am proud to have played a part in the preservation of women's health and the sacredness of life.

CONTEMPLATE THE WAR DEAD

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

Mr. MCDERMOTT. Mr. Speaker, it is easy to come into this House and forget what is going on out in the world, but on Friday when I got back to my office, I received a phone call from one of my constituents who had received a notification on Sunday that her son was killed in Iraq. Talking to this woman and understanding how she had felt, she had marched against the war, but her son believed that he was doing the right thing for this country. He believed that what he was doing was important, even though his parents thought that the war was not the right thing to be doing.

I think that as we go forward with a President who refuses to look at how to change the situation over there, we risk more and more of these deaths. We had them on Sunday. We had them on Monday, and I think we ought to take a moment to be silent and contemplate the war dead.

CONCURRENT RECEIPT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, as our military men and women continue to do a great job to keep us safe and secure, heated debate has broken out about whether veterans should receive both disability pay and retirement pay. This issue is called concurrent receipt.

Right now, when a veteran retires, military pension benefits from the Department of Defense are reduced dollar for dollar by the amount of disability benefits received from the Veterans Affairs Department. Republicans have proposed commonsense solutions that will send more disability money to our veterans.

Under the plan, disabled veterans will see more retirement money, and benefits will now be available to Reservists and Guardsmen injured in service. This is a solution that is fair, responsible, and honors our Nation's disabled veterans.

I encourage all veterans to contact their lawmakers and urge them to support this important legislation and pass it by the end of the year.

CRACKDOWN IN BURMA

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

Mr. ROHRABACHER. Mr. Speaker, I ask all freedom-loving people to pay attention to the latest crackdown in Burma by that country's brutal military regime.

A few days ago, the military again reminded us why Burma has one of the most despicable regimes in the world, by cruelly cracking down on a demonstration by Buddhist monks. Over 900 monks took to the streets, calling for freedom and democracy. These people, who are dedicated to peace themselves, found themselves the targets of not only water guns but of brutal beatings. One of them was killed. Four have been put in intensive care.

It is time for the people of Burma to join the Buddhist monks and to rise up against their tyrants. It is time for the people in the Burmese Army to rise up and turn their guns against the military regime that has destroyed freedom in their country and led their country into such deprivation and poverty, the regime that is stealing from their own people and giving their country to the Communist Chinese, and it is up to us, the United States, to back up the freedom-loving people of Burma.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3349) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2004.

The Clerk read as follows:

H.R. 3349

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

SECTION 1. AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES.

Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2004 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3349, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, by way of background, Congress enacted the Executive Salary Cost-of-Living Adjustment Act in 1975 which was intended to give judges, Members of Congress and high-ranking executive branch officials automatic COLAs accorded other Federal employees unless rejected by Congress. In 1981, Congress amended the statute by enacting section 140 of Public Law 97–92, which requires a specific congressional authorization to grant judges a COLA.

Mr. Speaker, the legislation before us is based on the template set forth in H.R. 16, now Public Law 108–6, which the House passed back in January and the President signed in February. H.R. 16 satisfied the section 140 requirement and thereby enabled judges to receive a COLA for this past fiscal year. H.R. 3349 accomplishes the same purpose for fiscal year 2004.

One final point, Mr. Speaker. The House will recall that Congress passed the Ethics Reform Act in 1989 to address the issue of Federal public service compensation. The mechanism for raising judicial salaries under the Act is premised on congressional action following a Presidential recommendation. A key feature of the 1989 law, however, was, and still is, that certain Federal judicial salaries are effectively linked to those of Senators and House Members as set forth in a statutory pay schedule for executive officials. In other words, the Federal judges cannot receive a pay raise unless Congress is willing to increase its own compensation along with that of various executive branch officials.

I do not believe that Congress should deviate from this construct by raising the salaries of life-tenured judges by nearly $25,000, as the Senate version of the Commerce-Justice-State appropriations bill would do. Along with many of our colleagues and other interested parties, I am not convinced that Federal judges work harder or have greater responsibility than Members of Congress or executive branch officials.

I believe in fairness, Mr. Speaker, and that is why I introduced H.R. 3349, to ensure that Federal judges receive a COLA when other civil servants, including Members of Congress, receive theirs. I otherwise maintain that neither Congress nor the third branch is entitled to a massive pay raise at this point, and I would urge the House appropriators to reject any attempt to

raise judicial salaries by deviating from the parameters set forth in the Ethics Reform Act.

To conclude, Mr. Speaker, H.R. 3349 will assist in the administration of justice in our Federal courts and is otherwise noncontroversial and urge its adoption.

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

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

Mr. Speaker, I rise to support H.R. 3349 and ask that my colleagues support it as well. This legislation gives Federal judges a 2.2 percent cost-of-living pay adjustment for 2004. Members of the Federal judiciary deserve this raise. The hardworking men and women of the Federal bench are a critical, if sometimes underappreciated, part of our constitutional democracy. We should do everything we can to ensure that we attract and retain the highest quality judges.

While judges are predominantly called to service by a sense of duty and honor, financial considerations can be a powerful deterrent to service. Judges already make far less than they could earn in private firms. While this pay disparity will always exist, Congress should at the least ensure that judicial pay does not effectively shrink. The failure to give judges a COLA would constitute just such a reduction in pay.

Unfortunately, Congress has failed several times in the past decade to give Federal judges a COLA pay adjustment.

□ 1030

Thus, over time, the pay of Federal judges has effectively shrunk. We should pass this legislation today to ensure this inequity is not increased further.

I want to make clear to my colleagues that this legislation in no way decouples judicial pay from the pay of Members of Congress and senior executive service. While I personally would not oppose such a decoupling, I know some of my colleagues, perhaps the gentleman who just spoke, would oppose it.

This legislation simply ensures that Federal judges can receive the same COLA increase that Members of Congress and senior executive service officials are already slated to receive for fiscal year 2004. Members of Congress and SES officials receive automatic COLA pay adjustments each year unless Congress specifically prohibits it. Federal judges, on the other hand, do not receive such COLAs unless Congress provides specific statutory authorization each year.

Congress typically provides this authorization in the annual commerce-justice-state appropriations legislation. Unfortunately, Congress has lately had some difficulty in passing the CJS appropriations bill by the start of the calendar year, let alone the fiscal year. The fiscal year 2003 CJS bill did not pass until 2003 was well under way, and now it looks like the fiscal year 2004 CJS bill will not be enacted until sometime in 2004. Such congressional action should not be allowed to imperil the COLA that Federal judges are rightfully do.

I applaud the gentleman from Wisconsin (Chairman SENSENBRENNER) for taking swift action to remedy the situation both earlier this year and now. In January of this year, the chairman of the Committee on the Judiciary ensured that virtually the first action of the 108th Congress was to pass H.R. 16, which authorized COLAs for 2003. He exhibits great forethought by bringing H.R. 3349 before the House before 2004 is upon us. I applaud him for taking swift action to make sure that judges will not be denied their COLAs through congressional inaction.

Of course, if future Congresses continue to have trouble moving the CJS appropriations bill in a timely fashion, the chairman may want to consider a different approach. A simple repeal of section 140 of Public Law 97–92 would dispense with the need to engage in this annual exercise. I commend this approach for the chairman's consideration and will not use this time to argue about whether or not it makes sense to pay judges more than third-year lawyers in excellent law firms. In conclusion, I urge my colleagues to support this measure.

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation, of which I am a cosponsor. This bill provides the Federal judiciary with a much needed cost of living adjustment (COLA) for their salary for fiscal year 2004. I also would like to thank Chairman SENSENBRENNER for his leadership and bipartisanship on this issue.

The Constitution mandates that the pay of Federal judges ''shall not be diminished during their Continuance in Office.'' Unfortunately, by failing to provide judges with annual COLA's over the last decade, they have faced the equivalent of a $77,000 reduction in salary. Currently, Federal district court judges earn $150,000 per year. This is much less than they could earn in private practice; in fact, it is less than an attorney right out of law school can earn in private practice. Even the judges' employees, those who work at the Administrative Office of the U.S. Courts, can make more than their employers. In the last 30 years, while average pay has increased 12 percent for most workers, it has decreased 25 percent for Federal judges.

This issue can seem to be just a matter of salary, but it extends deeply into our concept of a democracy and judicial independence. The Constitution establishes a system of checks and balances, granting independent judges lifetime tenure and the right to an undiminished salary, in order to ensure the judiciary remains independent of financial, political, and social pressures. Unfortunately, many Federal judges are leaving the bench for private practice, and many experienced and qualified private practitioners are deterred from serving in the judiciary. The pay disparity has diminished the independence of our third branch and made it difficult to attract and retain qualified attorneys.

The timing for this legislation also is critical. Last year, Congress passed a continuing resolution that provided a cost of living adjustment to most Federal employees except judges. The omission required us to pass a law early this year to extend the COLA to judges. To ensure that we do not let this issue fall by the wayside again, we must pass this bill today.

I urge my colleagues to vote ''yes'' on this legislation.

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

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3349.

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

A motion to reconsider was laid on the table.

ADVANCING JUSTICE THROUGH DNA TECHNOLOGY ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3214) to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3214

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 ''Advancing Justice Through DNA Technology Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEBBIE SMITH ACT OF 2003

Sec. 101. Short title.
Sec. 102. Debbie Smith DNA Backlog Grant Program.
Sec. 103. Expansion of Combined DNA Index System.
Sec. 104. Tolling of statute of limitations.
Sec. 105. Legal assistance for victims of violence.
Sec. 106. Ensuring private laboratory assistance in eliminating DNA backlog.

TITLE II—DNA SEXUAL ASSAULT JUSTICE ACT OF 2003

Sec. 201. Short title.
Sec. 202. Ensuring public crime laboratory compliance with Federal standards.

Sec. 203. DNA training and education for law enforcement, correctional personnel, and court officers.
Sec. 204. Sexual assault forensic exam program grants.
Sec. 205. DNA research and development.
Sec. 206. National Forensic Science Commission.
Sec. 207. FBI DNA programs.
Sec. 208. DNA identification of missing persons.
Sec. 209. Enhanced criminal penalties for unauthorized disclosure or use of DNA information.
Sec. 210. Tribal coalition grants.
Sec. 211. Expansion of Paul Coverdell Forensic Science Improvement Grant Program.
Sec. 212. Report to Congress.
TITLE III—INNOCENCE PROTECTION ACT OF 2003
Sec. 301. Short title.
Subtitle A—Exonerating the Innocent Through DNA Testing
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TITLE I—DEBBIE SMITH ACT OF 2003

SEC. 101. SHORT TITLE.

This title may be cited as the ''Debbie Smith Act of 2003''.

SEC. 102. DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

(a) DESIGNATION OF PROGRAM; ELIGIBILITY OF LOCAL GOVERNMENTS AS GRANTEES.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) by amending the heading to read as follows:

''SEC. 2. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''or units of local government'' after ''eligible States''; and

(ii) by inserting ''or unit of local government'' after ''State'';

(B) in paragraph (2), by inserting before the period at the end the following: '', including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect''; and

(C) in paragraph (3), by striking ''within the State'';

(3) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''or unit of local government'' after ''State'' both places that term appears; and

(ii) by inserting '', as required by the Attorney General'' after ''application shall'';

(B) in paragraph (1), by inserting ''or unit of local government'' after ''State'';

(C) in paragraph (3), by inserting ''or unit of local government'' after ''State'' the first place that term appears;

(D) in paragraph (4)—

(i) by inserting ''or unit of local government'' after ''State''; and

(ii) by striking ''and'' at the end;

(E) in paragraph (5)—

(i) by inserting ''or unit of local government'' after ''State''; and

(ii) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(6) if submitted by a unit of local government, certify that the unit of local government has taken, or is taking, all necessary steps to ensure that it is eligible to include, directly or through a State law enforcement agency, all analyses of samples for which it has requested funding in the Combined DNA Index System; and'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''The plan'' and inserting ''A plan pursuant to subsection (b)(1)'';

(ii) in subparagraph (A), by striking ''within the State''; and

(iii) in subparagraph (B), by striking ''within the State''; and

(B) in paragraph (2)(A), by inserting ''and units of local government'' after ''States'';

(5) in subsection (e)—

(A) in paragraph (1), by inserting ''or local government'' after ''State'' both places that term appears; and

(B) in paragraph (2), by inserting ''or unit of local government'' after ''State'';

(6) in subsection (f), in the matter preceding paragraph (1), by inserting ''or unit of local government'' after ''State'';

(7) in subsection (g)—

(A) in paragraph (1), by inserting ''or unit of local government'' after ''State''; and

(B) in paragraph (2), by inserting ''or units of local government'' after ''States''; and

(8) in subsection (h), by inserting ''or unit of local government'' after ''State'' both places that term appears.

(b) REAUTHORIZATION AND EXPANSION OF PROGRAM.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting ''(1) or'' before ''(2)''; and

(B) by inserting at the end the following:

''(4) To collect DNA samples specified in paragraph (1).

''(5) To ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.'';

(2) in subsection (b), as amended by this section, by inserting at the end the following:

''(7) specify that portion of grant amounts that the State or unit of local government shall use for the purpose specified in subsection (a)(4).'';

(3) by amending subsection (c) to read as follows:

''(c) FORMULA FOR DISTRIBUTION OF GRANTS.—

''(1) IN GENERAL.—The Attorney General shall distribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among eligible States and units of local government that—

''(A) maximizes the effective utilization of DNA technology to solve crimes and protect public safety; and

''(B) allocates grants among eligible entities fairly and efficiently to address jurisdictions in which significant backlogs exist, by considering—

''(i) the number of offender and casework samples awaiting DNA analysis in a jurisdiction;

''(ii) the population in the jurisdiction; and

''(iii) the number of part 1 violent crimes in the jurisdiction.

''(2) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriation.

''(3) LIMITATION.—Grant amounts distributed under paragraph (1) shall be awarded to conduct DNA analyses of samples from casework or from victims of crime under subsection (a)(2) in accordance with the following limitations:

''(A) For fiscal year 2005, not less than 50 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

''(B) For fiscal year 2006, not less than 50 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

''(C) For fiscal year 2007, not less than 45 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

''(D) For fiscal year 2008, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

''(E) For fiscal year 2009, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).'';

(4) in subsection (g)—

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

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

(C) by adding at the end the following:

''(3) a description of the priorities and plan for awarding grants among eligible States and units of local government, and how such plan will ensure the effective use of DNA technology to solve crimes and protect public safety.'';

(5) in subsection (j), by striking paragraphs (1) and (2) and inserting the following:

''(1) $151,000,000 for fiscal year 2005;

''(2) $151,000,000 for fiscal year 2006;

''(3) $151,000,000 for fiscal year 2007;

''(4) $151,000,000 for fiscal year 2008; and

''(5) $151,000,000 for fiscal year 2009.''; and

(6) by adding at the end the following:

''(k) USE OF FUNDS FOR ACCREDITATION AND AUDITS.—The Attorney General may distribute not more than 1 percent of the grant amounts under subsection (j)—

''(1) to States or units of local government to defray the costs incurred by laboratories operated by each such State or unit of local government in preparing for accreditation or reaccreditation;

''(2) in the form of additional grants to States, units of local government, or nonprofit professional organizations of persons actively involved in forensic science and nationally recognized within the forensic science community—

''(A) to defray the costs of external audits of laboratories operated by such State or unit of local government, which participates in the National DNA Index System, to determine whether the laboratory is in compliance with quality assurance standards;

''(B) to assess compliance with any plans submitted to the National Institute of Justice, which detail the use of funds received by States or units of local government under this Act; and

''(C) to support future capacity building efforts; and

''(3) in the form of additional grants to nonprofit professional associations actively

involved in forensic science and nationally recognized within the forensic science community to defray the costs of training persons who conduct external audits of laboratories operated by States and units of local government and which participate in the National DNA Index System.

''(l) EXTERNAL AUDITS AND REMEDIAL EFFORTS.—In the event that a laboratory operated by a State or unit of local government which has received funds under this Act has undergone an external audit conducted to determine whether the laboratory is in compliance with standards established by the Director of the Federal Bureau of Investigation, and, as a result of such audit, identifies measures to remedy deficiencies with respect to the compliance by the laboratory with such standards, the State or unit of local government shall implement any such remediation as soon as practicable.''.

SEC. 103. EXPANSION OF COMBINED DNA INDEX SYSTEM.

(a) INCLUSION OF ALL DNA SAMPLES FROM STATES.—Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking ''of persons convicted of crimes;'' and inserting the following: ''of—

''(A) persons convicted of crimes;

''(B) persons who have been indicted or who have waived indictment for a crime; and

''(C) other persons whose DNA samples are collected under applicable legal authorities, provided that DNA profiles from arrestees who have not been indicted and DNA samples that are voluntarily submitted solely for elimination purposes shall not be included in the Combined DNA Index System;''; and

(2) in subsection (d)(2)—

(A) by striking ''if the responsible agency'' and inserting''if—

''(i) the responsible agency'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(ii) the person has not been convicted of an offense on the basis of which that analysis was or could have been included in the index, and all charges for which the analysis was or could have been included in the index have been dismissed or resulted in acquittal.''.

(b) FELONS CONVICTED OF FEDERAL CRIMES.—Section 3(d) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)) is amended to read as follows:

''(d) QUALIFYING FEDERAL OFFENSES.—The offenses that shall be treated for purposes of this section as qualifying Federal offenses are the following offenses, as determined by the Attorney General:

''(1) Any felony.

''(2) Any offense under chapter 109A of title 18, United States Code.

''(3) Any crime of violence (as that term is defined in section 16 of title 18, United States Code).

''(4) Any attempt or conspiracy to commit any of the offenses in paragraphs (1) through (3).''.

(c) MILITARY OFFENSES.—Section 1565(d) of title 10, United States Code, is amended to read as follows:

''(d) QUALIFYING MILITARY OFFENSES.—The offenses that shall be treated for purposes of this section as qualifying military offenses are the following offenses, as determined by the Secretary of Defense, in consultation with the Attorney General:

''(1) Any offense under the Uniform Code of Military Justice for which a sentence of confinement for more than one year may be imposed.

''(2) Any other offense under the Uniform Code of Military Justice that is comparable to a qualifying Federal offense (as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d))).''.

(d) KEYBOARD SEARCHES.—Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132), as amended by subsection (a), is further amended by adding at the end the following new subsection:

''(e) AUTHORITY FOR KEYBOARD SEARCHES.—

''(1) IN GENERAL.—The Director shall ensure that any person who is authorized to access the index described in subsection (a) for purposes of including information on DNA identification records or DNA analyses in that index may also access that index for purposes of carrying out a one-time keyboard search on information obtained from any DNA sample lawfully collected for a criminal justice purpose except for a DNA sample voluntarily submitted solely for elimination purposes.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'keyboard search' means a search under which information obtained from a DNA sample is compared with information in the index without resulting in the information obtained from a DNA sample being included in the index.

''(3) NO PREEMPTION.—This subsection shall not be construed to preempt State law.''.

SEC. 104. TOLLING OF STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3297. Cases involving DNA evidence

''In a case in which DNA testing implicates an identified person in the commission of a felony, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the implication of the person by DNA testing has elapsed that is equal to the otherwise applicable limitation period.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3297. Cases involving DNA evidence.''.

(c) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section if the applicable limitation period has not yet expired.

SEC. 105. LEGAL ASSISTANCE FOR VICTIMS OF VIOLENCE.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by inserting ''dating violence,'' after ''domestic violence,'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

''(1) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of—

''(A) the length of the relationship;

''(B) the type of relationship; and

''(C) the frequency of interaction between the persons involved in the relationship.''; and

(C) in paragraph (3), as redesignated by subparagraph (A), by inserting ''dating violence,'' after ''domestic violence,'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting '', dating violence,'' after ''between domestic violence''; and

(ii) by inserting ''dating violence,'' after ''victims of domestic violence,'';

(B) in paragraph (2), by inserting ''dating violence,'' after ''domestic violence,''; and

(C) in paragraph (3), by inserting ''dating violence,'' after ''domestic violence,'';

(4) in subsection (d)—

(A) in paragraph (1), by inserting '', dating violence,'' after ''domestic violence'';

(B) in paragraph (2), by inserting '', dating violence,'' after ''domestic violence'';

(C) in paragraph (3), by inserting '', dating violence,'' after ''domestic violence''; and

(D) in paragraph (4), by inserting ''dating violence,'' after ''domestic violence,'';

(5) in subsection (e), by inserting ''dating violence,'' after ''domestic violence,''; and

(6) in subsection (f)(2)(A), by inserting ''dating violence,'' after ''domestic violence,''.

SEC. 106. ENSURING PRIVATE LABORATORY ASSISTANCE IN ELIMINATING DNA BACKLOG.

Section 2(d)(3) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(d)(3)) is amended to read as follows:

''(3) USE OF VOUCHERS OR CONTRACTS FOR CERTAIN PURPOSES.—

''(A) IN GENERAL.—A grant for the purposes specified in paragraph (1), (2), or (5) of subsection (a) may be made in the form of a voucher or contract for laboratory services.

''(B) REDEMPTION.—A voucher or contract under subparagraph (A) may be redeemed at a laboratory operated by a private entity that satisfies quality assurance standards and has been approved by the Attorney General.

''(C) PAYMENTS.—The Attorney General may use amounts authorized under subsection (j) to make payments to a laboratory described under subparagraph (B).''.

TITLE II—DNA SEXUAL ASSAULT JUSTICE ACT OF 2003

SEC. 201. SHORT TITLE.

This title may be cited as the ''DNA Sexual Assault Justice Act of 2003''.

SEC. 202. ENSURING PUBLIC CRIME LABORATORY COMPLIANCE WITH FEDERAL STANDARDS.

Section 210304(b)(2) of the DNA Identification Act of 1994 (42 U.S.C. 14132(b)(2)) is amended to read as follows:

''(2) prepared by laboratories that—

''(A) not later than 2 years after the date of enactment of the DNA Sexual Assault Justice Act of 2003, have been accredited by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community; and

''(B) undergo external audits, not less than once every 2 years, that demonstrate compliance with standards established by the Director of the Federal Bureau of Investigation; and''.

SEC. 203. DNA TRAINING AND EDUCATION FOR LAW ENFORCEMENT, CORRECTIONAL PERSONNEL, AND COURT OFFICERS.

(a) IN GENERAL.—The Attorney General shall make grants to eligible entities to provide training, technical assistance, education, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence.

(b) ELIGIBLE ENTITY.—For purposes of subsection (a), an eligible entity is an organization consisting of, comprised of, or representing—

(1) law enforcement personnel, including police officers and other first responders, evidence technicians, investigators, and others who collect or examine evidence of crime;

(2) court officers, including State and local prosecutors, defense lawyers, and judges;

(3) forensic science professionals; and

(4) corrections personnel, including prison and jail personnel, and probation, parole, and other officers involved in supervision.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $12,500,000 for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 204. SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.

(a) IN GENERAL.—The Attorney General shall make grants to eligible entities to provide training, technical assistance, education, equipment, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by medical personnel and other personnel, including doctors, medical examiners, coroners, nurses, victim service providers, and other professionals involved in treating victims of sexual assault and sexual assault examination programs, including SANE (Sexual Assault Nurse Examiner), SAFE (Sexual Assault Forensic Examiner), and SART (Sexual Assault Response Team).

(b) ELIGIBLE ENTITY.—For purposes of this section, the term ''eligible entity'' includes—

(1) States;

(2) units of local government; and

(3) sexual assault examination programs, including—

(A) sexual assault nurse examiner (SANE) programs;

(B) sexual assault forensic examiner (SAFE) programs;

(C) sexual assault response team (SART) programs;

(D) State sexual assault coalitions;

(E) medical personnel, including doctors, medical examiners, coroners, and nurses, involved in treating victims of sexual assault; and

(F) victim service providers involved in treating victims of sexual assault.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 205. DNA RESEARCH AND DEVELOPMENT.

(a) IMPROVING DNA TECHNOLOGY.—The Attorney General shall make grants for research and development to improve forensic DNA technology, including increasing the identification accuracy and efficiency of DNA analysis, decreasing time and expense, and increasing portability.

(b) DEMONSTRATION PROJECTS.—The Attorney General shall make grants to appropriate entities under which research is carried out through demonstration projects involving coordinated training and commitment of resources to law enforcement agencies and key criminal justice participants to demonstrate and evaluate the use of forensic DNA technology in conjunction with other forensic tools. The demonstration projects shall include scientific evaluation of the public safety benefits, improvements to law enforcement operations, and cost-effectiveness of increased collection and use of DNA evidence.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 206. NATIONAL FORENSIC SCIENCE COMMISSION.

(a) APPOINTMENT.—The Attorney General shall appoint a National Forensic Science Commission (in this section referred to as the ''Commission''), composed of persons experienced in criminal justice issues, including persons from the forensic science and criminal justice communities, to carry out the responsibilities under subsection (b).

(b) RESPONSIBILITIES.—The Commission shall—

(1) assess the present and future resource needs of the forensic science community;

(2) make recommendations to the Attorney General for maximizing the use of forensic technologies and techniques to solve crimes and protect the public;

(3) identify potential scientific advances that may assist law enforcement in using forensic technologies and techniques to protect the public;

(4) make recommendations to the Attorney General for programs that will increase the number of qualified forensic scientists available to work in public crime laboratories;

(5) disseminate, through the National Institute of Justice, best practices concerning the collection and analyses of forensic evidence to help ensure quality and consistency in the use of forensic technologies and techniques to solve crimes and protect the public;

(6) examine additional issues pertaining to forensic science as requested by the Attorney General;

(7) examine Federal, State, and local privacy protection statutes, regulations, and practices relating to access to, or use of, stored DNA samples or DNA analyses, to determine whether such protections are sufficient;

(8) make specific recommendations to the Attorney General, as necessary, to enhance the protections described in paragraph (7) to ensure—

(A) the appropriate use and dissemination of DNA information;

(B) the accuracy, security, and confidentiality of DNA information;

(C) the timely removal and destruction of obsolete, expunged, or inaccurate DNA information; and

(D) that any other necessary measures are taken to protect privacy; and

(9) provide a forum for the exchange and dissemination of ideas and information in furtherance of the objectives described in paragraphs (1) through (8).

(c) PERSONNEL; PROCEDURES.—The Attorney General shall—

(1) designate the Chair of the Commission from among its members;

(2) designate any necessary staff to assist in carrying out the functions of the Commission; and

(3) establish procedures and guidelines for the operations of the Commission.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 207. FBI DNA PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Bureau of Investigation $42,100,000 for each of fiscal years 2005 through 2009 to carry out the DNA programs and activities described under subsection (b).

(b) PROGRAMS AND ACTIVITIES.—The Federal Bureau of Investigation may use any amounts appropriated pursuant to subsection (a) for—

(1) nuclear DNA analysis;

(2) mitochondrial DNA analysis;

(3) regional mitochondrial DNA laboratories;

(4) the Combined DNA Index System;

(5) the Federal Convicted Offender DNA Program; and

(6) DNA research and development.

SEC. 208. DNA IDENTIFICATION OF MISSING PERSONS.

(a) IN GENERAL.—The Attorney General shall make grants to States and units of local government to promote the use of forensic DNA technology to identify missing persons and unidentified human remains.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

SEC. 209. ENHANCED CRIMINAL PENALTIES FOR UNAUTHORIZED DISCLOSURE OR USE OF DNA INFORMATION.

Section 10(c) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e(c)) is amended to read as follows:

''(c) CRIMINAL PENALTY.—A person who knowingly discloses a sample or result described in subsection (a) in any manner to any person not authorized to receive it, or obtains or uses, without authorization, such sample or result, shall be fined not more than $100,000. Each instance of disclosure, obtaining, or use shall constitute a separate offense under this subsection.''.

SEC. 210. TRIBAL COALITION GRANTS.

(a) IN GENERAL.—Section 2001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding at the end the following:

''(d) TRIBAL COALITION GRANTS.—

''(1) PURPOSE.—The Attorney General shall award grants to tribal domestic violence and sexual assault coalitions for purposes of—

''(A) increasing awareness of domestic violence and sexual assault against Indian women;

''(B) enhancing the response to violence against Indian women at the tribal, Federal, and State levels; and

''(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to Indian women victimized by domestic and sexual violence.

''(2) GRANTS TO TRIBAL COALITIONS.—The Attorney General shall award grants under paragraph (1) to—

''(A) established nonprofit, nongovernmental tribal coalitions addressing domestic violence and sexual assault against Indian women; and

''(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against Indian women.

''(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by tribal domestic violence and sexual assault coalitions shall not preclude the coalition from receiving additional grants under this title to carry out the purposes described in subsection (b).''.

(b) TECHNICAL AMENDMENT.—Effective as of November 2, 2002, and as if included therein as enacted, Public Law 107–273 (116 Stat. 1789) is amended in section 402(2) by striking ''sections 2006 through 2011'' and inserting ''sections 2007 through 2011''.

(c) AMOUNTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (as redesignated by section 402(2) of Public Law 107–273, as amended by subsection (b)) is amended by amending subsection (b)(4) (42 U.S.C. 3796gg–1(b)(4)) to read as follows:

''(4) 1/54 shall be available for grants under section 2001(d);''.

SEC. 211. EXPANSION OF PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANT PROGRAM.

(a) FORENSIC BACKLOG ELIMINATION GRANTS.—Section 2804 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797m) is amended—

(1) in subsection (a)—

(A) by striking ''shall use the grant to carry out'' and inserting ''shall use the grant to do any one or more of the following:

''(1) To carry out''; and

(B) by adding at the end the following:

''(2) To eliminate a backlog in the analysis of forensic science evidence, including firearms examination, latent prints, toxicology,

controlled substances, forensic pathology, questionable documents, and trace evidence.

''(3) To train, assist, and employ forensic laboratory personnel, as needed, to eliminate such a backlog.'';

(2) in subsection (b), by striking ''under this part'' and inserting ''for the purpose set forth in subsection (a)(1)''; and

(3) by adding at the end the following:

''(e) BACKLOG DEFINED.—For purposes of this section, a backlog in the analysis of forensic science evidence exists if such evidence—

''(1) has been stored in a laboratory, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility; and

''(2) has not been subjected to all appropriate forensic testing because of a lack of resources or personnel.''.

(b) EXTERNAL AUDITS.—Section 2802 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797k) is amended—

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

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) a certification that a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.''.

(c) THREE-YEAR EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(24) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(G) $20,000,000 for fiscal year 2007;

''(H) $20,000,000 for fiscal year 2008; and

''(I) $20,000,000 for fiscal year 2009.''.

(d) TECHNICAL AMENDMENT.—Section 1001(a) of such Act, as amended by subsection (c), is further amended by realigning paragraphs (24) and (25) so as to be flush with the left margin.

SEC. 212. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the implementation of this Act and the amendments made by this Act.

(b) CONTENTS.—The report submitted under subsection (a) shall include a description of—

(1) the progress made by Federal, State, and local entities in—

(A) collecting and entering DNA samples from offenders convicted of qualifying offenses for inclusion in the Combined DNA Index System (referred to in this subsection as ''CODIS'');

(B) analyzing samples from crime scenes, including evidence collected from sexual assaults and other serious violent crimes, and entering such DNA analyses in CODIS; and

(C) increasing the capacity of forensic laboratories to conduct DNA analyses;

(2) the priorities and plan for awarding grants among eligible States and units of local government to ensure that the purposes of this Act are carried out;

(3) the distribution of grant amounts under this Act among eligible States and local governments, and whether the distribution of such funds has served the purposes of the Debbie Smith DNA Backlog Grant Program;

(4) grants awarded and the use of such grants by eligible entities for DNA training and education programs for law enforcement, correctional personnel, court officers, medical personnel, victim service providers, and other personnel authorized under sections 203 and 204;

(5) grants awarded and the use of such grants by eligible entities to conduct DNA research and development programs to improve forensic DNA technology, and implement demonstration projects under section 205;

(6) the steps taken to establish the National Forensic Science Commission, and the activities of the Commission under section 206;

(7) the use of funds by the Federal Bureau of Investigation under section 207;

(8) grants awarded and the use of such grants by eligible entities to promote the use of forensic DNA technology to identify missing persons and unidentified human remains under section 208;

(9) grants awarded and the use of such grants by eligible entities to eliminate forensic science backlogs under the amendments made by section 211;

(10) State compliance with the requirements set forth in section 313; and

(11) any other matters considered relevant by the Attorney General.

TITLE III—INNOCENCE PROTECTION ACT OF 2003

SEC. 301. SHORT TITLE.

This title may be cited as the ''Innocence Protection Act of 2003''.

Subtitle A—Exonerating the Innocent Through DNA Testing

SEC. 311. FEDERAL POST-CONVICTION DNA TESTING.

(a) FEDERAL CRIMINAL PROCEDURE.—

(1) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 228 the following:

''CHAPTER 228A—POST-CONVICTION DNA TESTING

''Sec.
''3600. DNA testing.
''3600A. Preservation of biological evidence.

''§ 3600. DNA testing

''(a) IN GENERAL.—Upon a written motion by an individual under a sentence of imprisonment or death pursuant to a conviction for a Federal offense (referred to in this section as the 'applicant'), the court that entered the judgment of conviction shall order DNA testing of specific evidence if—

''(1) the applicant asserts, under penalty of perjury, that the applicant is actually innocent of—

''(A) the Federal offense for which the applicant is under a sentence of imprisonment or death; or

''(B) another Federal or State offense, if—

''(i)(I) such offense was legally necessary to make the applicant eligible for a sentence as a career offender under section 3559(e) or an armed career offender under section 924(e), and exoneration of such offense would entitle the applicant to a reduced sentence; or

''(II) evidence of such offense was admitted during a Federal death sentencing hearing and exoneration of such offense would entitle the applicant to a reduced sentence or new sentencing hearing; and

''(ii) in the case of a State offense—

''(I) the applicant demonstrates that there is no adequate remedy under State law to permit DNA testing of the specified evidence relating to the State offense; and

''(II) to the extent available, the applicant has exhausted all remedies available under State law for requesting DNA testing of specified evidence relating to the State offense;

''(2) the specific evidence to be tested was secured in relation to the investigation or prosecution of the Federal or State offense referenced in the applicant's assertion under paragraph (1);

''(3) the specific evidence to be tested—

''(A) was not previously subjected to DNA testing and the applicant did not knowingly and voluntarily waive the right to request DNA testing of that evidence in a court proceeding after the date of enactment of the Innocence Protection Act of 2003; or

''(B) was previously subjected to DNA testing and the applicant is requesting DNA testing using a new method or technology that is substantially more probative than the prior DNA testing;

''(4) the specific evidence to be tested is in the possession of the Government and has been subject to a chain of custody and retained under conditions sufficient to ensure that such evidence has not been substituted, contaminated, tampered with, replaced, or altered in any respect material to the proposed DNA testing;

''(5) the proposed DNA testing is reasonable in scope, uses scientifically sound methods, and is consistent with accepted forensic practices;

''(6) the applicant identifies a theory of defense that—

''(A) is not inconsistent with an affirmative defense presented at trial; and

''(B) would establish the actual innocence of the applicant of the Federal or State offense referenced in the applicant's assertion under paragraph (1);

''(7) if the applicant was convicted following a trial, the identity of the perpetrator was at issue in the trial;

''(8) the proposed DNA testing of the specific evidence—

''(A) would produce new material evidence to support the theory of defense referenced in paragraph (6); and

''(B) assuming the DNA test result excludes the applicant, would raise a reasonable probability that the applicant did not commit the offense;

''(9) the applicant certifies that the applicant will provide a DNA sample for purposes of comparison; and

''(10) the applicant's motion is filed for the purpose of demonstrating the applicant's actual innocence of the Federal or State offense, and not to delay the execution of the sentence or the administration of justice.

''(b) NOTICE TO THE GOVERNMENT; PRESERVATION ORDER; APPOINTMENT OF COUNSEL.—

''(1) NOTICE.—Upon the receipt of a motion filed under subsection (a), the court shall—

''(A) notify the Government; and

''(B) allow the Government a reasonable time period to respond to the motion.

''(2) PRESERVATION ORDER.—To the extent necessary to carry out proceedings under this section, the court shall direct the Government to preserve the specific evidence relating to a motion under subsection (a).

''(3) APPOINTMENT OF COUNSEL.—The court may appoint counsel for an indigent applicant under this section in the same manner as in a proceeding under section 3006A(a)(2)(B).

''(c) TESTING PROCEDURES.—

''(1) IN GENERAL.—The court shall direct that any DNA testing ordered under this section be carried out by the Federal Bureau of Investigation.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the court may order DNA testing by another qualified laboratory if the court makes all necessary orders to ensure the integrity of the specific evidence and the reliability of the testing process and test results.

''(3) COSTS.—The costs of any DNA testing ordered under this section shall be paid—

''(A) by the applicant; or

''(B) in the case of an applicant who is indigent, by the Government.

''(d) TIME LIMITATION IN CAPITAL CASES.—In any case in which the applicant is sentenced to death—

''(1) any DNA testing ordered under this section shall be completed not later than 60 days after the date on which the Government responds to the motion filed under subsection (a); and

''(2) not later than 120 days after the date on which the DNA testing ordered under this section is completed, the court shall order any post-testing procedures under subsection (f) or (g), as appropriate.

''(e) REPORTING OF TEST RESULTS.—

''(1) IN GENERAL.—The results of any DNA testing ordered under this section shall be simultaneously disclosed to the court, the applicant, and the Government.

''(2) NDIS.—The Government shall submit any test results relating to the DNA of the applicant to the National DNA Index System (referred to in this subsection as 'NDIS').

''(3) RETENTION OF DNA SAMPLE.—

''(A) ENTRY INTO NDIS.—If the DNA test results obtained under this section are inconclusive or show that the applicant was the source of the DNA evidence, the DNA sample of the applicant may be retained in NDIS.

''(B) MATCH WITH OTHER OFFENSE.—If the DNA test results obtained under this section exclude the applicant as the source of the DNA evidence, and a comparison of the DNA sample of the applicant results in a match between the DNA sample of the applicant and another offense, the Attorney General shall notify the appropriate agency and preserve the DNA sample of the applicant.

''(C) NO MATCH.—If the DNA test results obtained under this section exclude the applicant as the source of the DNA evidence, and a comparison of the DNA sample of the applicant does not result in a match between the DNA sample of the applicant and another offense, the Attorney General shall destroy the DNA sample of the applicant and ensure that such information is not retained in NDIS if there is no other legal authority to retain the DNA sample of the applicant in NDIS.

''(f) POST-TESTING PROCEDURES; INCONCLUSIVE AND INCULPATORY RESULTS.—

''(1) INCONCLUSIVE RESULTS.—If DNA test results obtained under this section are inconclusive, the court may order further testing, if appropriate, or may deny the applicant relief.

''(2) INCULPATORY RESULTS.—If DNA test results obtained under this section show that the applicant was the source of the DNA evidence, the court shall—

''(A) deny the applicant relief; and

''(B) on motion of the Government—

''(i) make a determination whether the applicant's assertion of actual innocence was false, and, if the court makes such a finding, the court may hold the applicant in contempt;

''(ii) assess against the applicant the cost of any DNA testing carried out under this section;

''(iii) forward the finding to the Director of the Bureau of Prisons, who, upon receipt of such a finding, may deny, wholly or in part, the good conduct credit authorized under section 3632 on the basis of that finding;

''(iv) if the applicant is subject to the jurisdiction of the United States Parole Commission, forward the finding to the Commission so that the Commission may deny parole on the basis of that finding; and

''(v) if the DNA test results relate to a State offense, forward the finding to any appropriate State official.

''(3) SENTENCE.—In any prosecution of an applicant under chapter 79 for false assertions or other conduct in proceedings under this section, the court, upon conviction of the applicant, shall sentence the applicant to a term of imprisonment of not less than 3 years, which shall run consecutively to any other term of imprisonment the applicant is serving.

''(g) POST-TESTING PROCEDURES; MOTION FOR NEW TRIAL OR RESENTENCING.—

''(1) IN GENERAL.—Notwithstanding any law that would bar a motion under this paragraph as untimely, if DNA test results obtained under this section exclude the applicant as the source of the DNA evidence, the applicant may file a motion for a new trial or resentencing, as appropriate. The court shall establish a reasonable schedule for the applicant to file such a motion and for the Government to respond to the motion.

''(2) STANDARD FOR GRANTING MOTION FOR NEW TRIAL OR RESENTENCING.—The court shall grant the motion of the applicant for a new trial or resentencing, as appropriate, if the DNA test results, when considered with all other evidence in the case (regardless of whether such evidence was introduced at trial), establish by a preponderance of the evidence that a new trial would result in an acquittal of—

''(A) in the case of a motion for a new trial, the Federal offense for which the applicant is under a sentence of imprisonment or death; and

''(B) in the case of a motion for resentencing, another Federal or State offense, if—

''(i) such offense was legally necessary to make the applicant eligible for a sentence as a career offender under section 3559(e) or an armed career offender under section 924(e), and exoneration of such offense would entitle the applicant to a reduced sentence; or

''(ii) evidence of such offense was admitted during a Federal death sentencing hearing and exoneration of such offense would entitle the applicant to a reduced sentence or a new sentencing proceeding.

''(h) OTHER LAWS UNAFFECTED.—

''(1) POST-CONVICTION RELIEF.—Nothing in this section shall affect the circumstances under which a person may obtain DNA testing or post-conviction relief under any other law.

''(2) HABEAS CORPUS.—Nothing in this section shall provide a basis for relief in any Federal habeas corpus proceeding.

''(3) APPLICATION NOT A MOTION.—An application under this section shall not be considered to be a motion under section 2255 for purposes of determining whether the application or any other motion is a second or successive motion under section 2255.

''§ 3600A. Preservation of biological evidence

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Government shall preserve biological evidence that was secured in the investigation or prosecution of a Federal offense, if a defendant is under a sentence of imprisonment for such offense.

''(b) DEFINED TERM.—For purposes of this section, the term 'biological evidence' means—

''(1) a sexual assault forensic examination kit; or

''(2) semen, blood, saliva, hair, skin tissue, or other identified biological material.

''(c) APPLICABILITY.—Subsection (a) shall not apply if—

''(1) a court has denied a request or motion for DNA testing of the biological evidence by the defendant under section 3600, and no appeal is pending;

''(2) the defendant knowingly and voluntarily waived the right to request DNA testing of such evidence in a court proceeding conducted after the date of enactment of the Innocence Protection Act of 2003;

''(3) the defendant is notified after conviction that the biological evidence may be destroyed and the defendant does not file a motion under section 3600 within 180 days of receipt of the notice; or

''(4)(A) the evidence must be returned to its rightful owner, or is of such a size, bulk, or physical character as to render retention impracticable; and

''(B) the Government takes reasonable measures to remove and preserve portions of the material evidence sufficient to permit future DNA testing.

''(d) OTHER PRESERVATION REQUIREMENT.—Nothing in this section shall preempt or supersede any statute, regulation, court order, or other provision of law that may require evidence, including biological evidence, to be preserved.

''(e) REGULATIONS.—Not later than 180 days after the date of enactment of the Innocence Protection Act of 2003, the Attorney General shall promulgate regulations to implement and enforce this section, including appropriate disciplinary sanctions to ensure that employees comply with such regulations.

''(f) CRIMINAL PENALTY.—Whoever knowingly and intentionally destroys, alters, or tampers with biological evidence that is required to be preserved under this section with the intent to prevent that evidence from being subjected to DNA testing or prevent the production or use of that evidence in an official proceeding, shall be fined under this title, imprisoned for not more than 5 years, or both.

''(g) HABEAS CORPUS.—Nothing in this section shall provide a basis for relief in any Federal habeas corpus proceeding.''.

(2) CLERICAL AMENDMENT.—The chapter analysis for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 228 the following:

''228A. Post-conviction DNA testing ... 3600''.

(b) SYSTEM FOR REPORTING MOTIONS.—

(1) ESTABLISHMENT.—The Attorney General shall establish a system for reporting and tracking motions filed in accordance with section 3600 of title 18, United States Code.

(2) OPERATION.—In operating the system established under paragraph (1), the Federal courts shall provide to the Attorney General any requested assistance in operating such a system and in ensuring the accuracy and completeness of information included in that system.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit a report to Congress that contains—

(A) a list of motions filed under section 3600 of title 18, United States Code, as added by this Act;

(B) whether DNA testing was ordered pursuant to such a motion;

(C) whether the applicant obtained relief on the basis of DNA test results; and

(D) whether further proceedings occurred following a granting of relief and the outcome of such proceedings.

(4) ADDITIONAL INFORMATION.—The report required to be submitted under paragraph (3) may include any other information the Attorney General determines to be relevant in assessing the operation, utility, or costs of section 3600 of title 18, United States Code, as added by this Act, and any recommendations the Attorney General may have relating to future legislative action concerning that section.

(c) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section shall take effect on the date of enactment of this Act and shall apply with respect

to any offense committed, and to any judgment of conviction entered, before, on, or after that date of enactment.

SEC. 312. KIRK BLOODSWORTH POST-CONVICTION DNA TESTING GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program to award grants to States to help defray the costs of post-conviction DNA testing.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

(c) STATE DEFINED.—For purposes of this section, the term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

SEC. 313. INCENTIVE GRANTS TO STATES TO ENSURE CONSIDERATION OF CLAIMS OF ACTUAL INNOCENCE.

For each of fiscal years 2005 through 2009, all funds appropriated to carry out sections 203, 205, 207, and 312 shall be reserved for grants to eligible entities that—

(1) meet the requirements under section 203, 205, 207, or 312, as appropriate; and

(2) demonstrate that the State in which the eligible entity operates—

(A) provides post-conviction DNA testing of specified evidence—

(i) under a State statute enacted before the date of enactment of this Act (or extended or renewed after such date), to any person convicted after trial and under a sentence of imprisonment or death for a State offense, in a manner that ensures a meaningful process for resolving a claim of actual innocence; or

(ii) under a State statute enacted after the date of enactment of this Act, or under a State rule, regulation, or practice, to any person under a sentence of imprisonment or death for a State offense, in a manner comparable to section 3600(a) of title 18, United States Code (provided that the State statute, rule, regulation, or practice may make post-conviction DNA testing available in cases in which such testing is not required by such section), and if the results of such testing exclude the applicant, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar such application as untimely; and

(B) preserves biological evidence secured in relation to the investigation or prosecution of a State offense—

(i) under a State statute or a State or local rule, regulation, or practice, enacted or adopted before the date of enactment of this Act (or extended or renewed after such date), in a manner that ensures that reasonable measures are taken by all jurisdictions within the State to preserve such evidence; or

(ii) under a State statute or a State or local rule, regulation, or practice, enacted or adopted after the date of enactment of this Act, in a manner comparable to section 3600A of title 18, United States Code, if—

(I) all jurisdictions within the State comply with this requirement; and

(II) such jurisdictions may preserve such evidence for longer than the period of time that such evidence would be required to be preserved under such section 3600A.

Subtitle B—Improving the Quality of Representation in State Capital Cases

SEC. 321. CAPITAL REPRESENTATION IMPROVEMENT GRANTS.

(a) IN GENERAL.—The Attorney General shall award grants to States for the purpose of improving the quality of legal representation provided to indigent defendants in State capital cases.

(b) DEFINED TERM.—In this section, the term ''legal representation'' means legal counsel and investigative, expert, and other services necessary for competent representation.

(c) USE OF FUNDS.—Grants awarded under subsection (a)—

(1) shall be used to establish, implement, or improve an effective system for providing competent legal representation to—

(A) indigents charged with an offense subject to capital punishment;

(B) indigents who have been sentenced to death and who seek appellate or collateral relief in State court; and

(C) indigents who have been sentenced to death and who seek review in the Supreme Court of the United States; and

(2) shall not be used to fund, directly or indirectly, representation in specific capital cases.

(d) EFFECTIVE SYSTEM.—As used in subsection (c)(1), an effective system for providing competent legal representation is a system that—

(1) invests the responsibility for appointing qualified attorneys to represent indigents in capital cases—

(A) in a public defender program that relies on staff attorneys, members of the private bar, or both, to provide representation in capital cases;

(B) in an entity established by statute or by the highest State court with jurisdiction in criminal cases, which is composed of individuals with demonstrated knowledge and expertise in capital representation; or

(C) pursuant to a statutory procedure enacted before the date of the enactment of this Act under which the trial judge is required to appoint qualified attorneys from a roster maintained by a State or regional selection committee or similar entity; and

(2) requires the program described in paragraph (1)(A), the entity described in paragraph (1)(B), or an appropriate entity designated pursuant to the statutory procedure described in paragraph (1)(C), as applicable, to—

(A) establish qualifications for attorneys who may be appointed to represent indigents in capital cases;

(B) establish and maintain a roster of qualified attorneys;

(C) except in the case of a selection committee or similar entity described in paragraph (1)(C), assign 2 attorneys from the roster to represent an indigent in a capital case, or provide the trial judge a list of not more than 2 pairs of attorneys from the roster, from which 1 pair shall be assigned, provided that, in any case in which the State elects not to seek the death penalty, a court may find, subject to any requirement of State law, that a second attorney need not remain assigned to represent the indigent to ensure competent representation;

(D) conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases;

(E) monitor the performance of attorneys who are appointed and their attendance at training programs, and remove from the roster attorneys who fail to deliver effective representation or who fail to comply with such requirements as such program, entity, or selection committee or similar entity may establish regarding participation in training programs; and

(F) ensure funding for the full cost of competent legal representation by the defense team and outside experts selected by counsel, who shall be compensated—

(i) in the case of a State that employs a statutory procedure described in paragraph (1)(C), in accordance with the requirements of that statutory procedure; and

(ii) in all other cases, as follows:

(I) Attorneys employed by a public defender program shall be compensated according to a salary scale that is commensurate with the salary scale of the prosecutor's office in the jurisdiction.

(II) Appointed attorneys shall be compensated for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases.

(III) Non-attorney members of the defense team, including investigators, mitigation specialists, and experts, shall be compensated at a rate that reflects the specialized skills needed by those who assist counsel with the litigation of death penalty cases.

(IV) Attorney and non-attorney members of the defense team shall be reimbursed for reasonable incidental expenses.

SEC. 322. CAPITAL PROSECUTION IMPROVEMENT GRANTS.

(a) IN GENERAL.—The Attorney General shall award grants to States for the purpose of enhancing the ability of prosecutors to effectively represent the public in State capital cases.

(b) USE OF FUNDS.—

(1) PERMITTED USES.—Grants awarded under subsection (a) shall be used for one or more of the following:

(A) To design and implement training programs for State and local prosecutors to ensure effective representation in State capital cases.

(B) To develop and implement appropriate standards and qualifications for State and local prosecutors who litigate State capital cases.

(C) To assess the performance of State and local prosecutors who litigate State capital cases, provided that such assessment shall not include participation by the assessor in the trial of any specific capital case.

(D) To identify and implement any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases.

(E) To establish a program under which State and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate.

(F) To provide support and assistance to the families of murder victims.

(2) PROHIBITED USE.—Grants awarded under subsection (a) shall not be used to fund, directly or indirectly, the prosecution of specific capital cases.

SEC. 323. APPLICATIONS.

(a) IN GENERAL.—The Attorney General shall establish a process through which a State may apply for a grant under this subtitle.

(b) APPLICATION.—

(1) IN GENERAL.—A State desiring a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall contain—

(A) a certification by an appropriate officer of the State that the State authorizes capital punishment under its laws and conducts, or will conduct, prosecutions in which capital punishment is sought;

(B) a description of the communities to be served by the grant, including the nature of existing capital defender services and capital prosecution programs within such communities;

(C) a long-term statewide strategy and detailed implementation plan that—

(i) reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations; and

(ii) establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes;

(D) in the case of a State that employs a statutory procedure described in section 321(d)(1)(C), a certification by an appropriate officer of the State that the State is in substantial compliance with the requirements of the applicable State statute; and

(E) assurances that Federal funds received under this subtitle shall be—

(i) used to supplement and not supplant non-Federal funds that would otherwise be available for activities funded under this subtitle; and

(ii) allocated in accordance with section 326(b).

SEC. 324. STATE REPORTS.

(a) IN GENERAL.—Each State receiving funds under this subtitle shall submit an annual report to the Attorney General that—

(1) identifies the activities carried out with such funds; and

(2) explains how each activity complies with the terms and conditions of the grant.

(b) CAPITAL REPRESENTATION IMPROVEMENT GRANTS.—With respect to the funds provided under section 321, a report under subsection (a) shall include—

(1) an accounting of all amounts expended;

(2) an explanation of the means by which the State—

(A) invests the responsibility for identifying and appointing qualified attorneys to represent indigents in capital cases in a program described in section 321(d)(1)(A), an entity described in section 321(d)(1)(B), or selection committee or similar entity described in section 321(d)(1)(C); and

(B) requires such program, entity, or selection committee or similar entity, or other appropriate entity designated pursuant to the statutory procedure described in section 321(d)(1)(C), to—

(i) establish qualifications for attorneys who may be appointed to represent indigents in capital cases in accordance with section 321(d)(2)(A);

(ii) establish and maintain a roster of qualified attorneys in accordance with section 321(d)(2)(B);

(iii) assign attorneys from the roster in accordance with section 321(d)(2)(C);

(iv) conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases in accordance with section 321(d)(2)(D);

(v) monitor the performance and training program attendance of appointed attorneys, and remove from the roster attorneys who fail to deliver effective representation or fail to comply with such requirements as such program, entity, or selection committee or similar entity may establish regarding participation in training programs, in accordance with section 321(d)(2)(E); and

(vi) ensure funding for the full cost of competent legal representation by the defense team and outside experts selected by counsel, in accordance with section 321(d)(2)(F), including a statement setting forth—

(I) if the State employs a public defender program under section 321(d)(1)(A), the salaries received by the attorneys employed by such program and the salaries received by attorneys in the prosecutor's office in the jurisdiction;

(II) if the State employs appointed attorneys under section 321(d)(1)(B), the hourly fees received by such attorneys for actual time and service and the basis on which the hourly rate was calculated;

(III) the amounts paid to non-attorney members of the defense team, and the basis on which such amounts were determined; and

(IV) the amounts for which attorney and non-attorney members of the defense team were reimbursed for reasonable incidental expenses;

(3) in the case of a State that employs a statutory procedure described in section 321(d)(1)(C), an assessment of the extent to which the State is in compliance with the requirements of the applicable State statute; and

(4) a statement confirming that the funds have not been used to fund representation in specific capital cases or to supplant non-Federal funds.

(c) CAPITAL PROSECUTION IMPROVEMENT GRANTS.—With respect to the funds provided under section 322, a report under subsection (a) shall include—

(1) an accounting of all amounts expended;

(2) a description of the means by which the State has—

(A) designed and established training programs for State and local prosecutors to ensure effective representation in State capital cases in accordance with section 322(b)(1)(A);

(B) developed and implemented appropriate standards and qualifications for State and local prosecutors who litigate State capital cases in accordance with section 322(b)(1)(B);

(C) assessed the performance of State and local prosecutors who litigate State capital cases in accordance with section 322(b)(1)(C);

(D) identified and implemented any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases in accordance with section 322(b)(1)(D);

(E) established a program under which State and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate in accordance with section 322(b)(1)(E); and

(F) provided support and assistance to the families of murder victims; and

(3) a statement confirming that the funds have not been used to fund the prosecution of specific capital cases or to supplant non-Federal funds.

(d) PUBLIC DISCLOSURE OF ANNUAL STATE REPORTS.—The annual reports to the Attorney General submitted by any State under this section shall be made available to the public.

SEC. 325. EVALUATIONS BY INSPECTOR GENERAL AND ADMINISTRATIVE REMEDIES.

(a) EVALUATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—As soon as practicable after the end of the first fiscal year for which a State receives funds under a grant made under this title, the Inspector General of the Department of Justice (in this section referred to as the ''Inspector General'') shall—

(A) after affording an opportunity for any person to provide comments on a report submitted under section 324, submit to Congress and to the Attorney General a report evaluating the compliance by the State with the terms and conditions of the grant; and

(B) if the Inspector General concludes that the State is not in compliance with the terms and conditions of the grant, specify any deficiencies and make recommendations for corrective action.

(2) PRIORITY.—In conducting evaluations under this subsection, the Inspector General shall give priority to States that the Inspector General determines, based on information submitted by the State and other comments provided by any other person, to be at the highest risk of noncompliance.

(3) DETERMINATION FOR STATUTORY PROCEDURE STATES.—For each State that employs a statutory procedure described in section 321(d)(1)(C), the Inspector General shall submit to Congress and to the Attorney General, not later than the end of the first fiscal year for which such State receives funds, after affording an opportunity for any person to provide comments on a certification submitted under section 323(b)(2)(D), a determination as to whether the State is in substantial compliance with the requirements of the applicable State statute.

(b) ADMINISTRATIVE REVIEW.—

(1) COMMENT.—Upon receiving the report under subsection (a)(1) or the determination under subsection (a)(3), the Attorney General shall provide the State with an opportunity to comment regarding the findings and conclusions of the report or the determination.

(2) CORRECTIVE ACTION PLAN.—If the Attorney General, after reviewing the report under subsection (a)(1) or the determination under subsection (a)(3), determines that a State is not in compliance with the terms and conditions of the grant, the Attorney General shall consult with the appropriate State authorities to enter into a plan for corrective action. If the State does not agree to a plan for corrective action that has been approved by the Attorney General within 90 days after the submission of the report under subsection (a)(1) or the determination under subsection (a)(3), the Attorney General shall, within 30 days, direct the State to take corrective action to bring the State into compliance.

(3) REPORT TO CONGRESS.—Not later than 90 days after the earlier of the implementation of a corrective action plan or a directive to implement such a plan under paragraph (2), the Attorney General shall submit a report to Congress as to whether the State has taken corrective action and is in compliance with the terms and conditions of the grant.

(c) PENALTIES FOR NONCOMPLIANCE.—If the State fails to take the prescribed corrective action under subsection (b) and is not in compliance with the terms and conditions of the grant, the Attorney General shall discontinue all further funding under sections 321 and 322 and require the State to return the funds granted under such sections for that fiscal year. Nothing in this paragraph shall prevent a State which has been subject to penalties for noncompliance from reapplying for a grant under this subtitle in another fiscal year.

(d) PERIODIC REPORTS.—During the grant period, the Inspector General shall periodically review the compliance of each State with the terms and conditions of the grant.

(e) ADMINISTRATIVE COSTS.—Not less than 2.5 percent of the funds appropriated to carry out this subtitle for each of fiscal years 2005 through 2009 shall be made available to the Inspector General for purposes of carrying out this section. Such sums shall remain available until expended.

(f) SPECIAL RULE FOR ''STATUTORY PROCEDURE'' STATES NOT IN SUBSTANTIAL COMPLIANCE WITH STATUTORY PROCEDURES.—

(1) IN GENERAL.—In the case of a State that employs a statutory procedure described in section 321(d)(1)(C), if the Inspector General submits a determination under subsection (a)(3) that the State is not in substantial compliance with the requirements of the applicable State statute, then for the period beginning with the date on which that determination was submitted and ending on the date on which the Inspector General determines that the State is in substantial compliance with the requirements of that statute, the funds awarded under this subtitle shall be allocated solely for the uses described in section 321.

(2) RULE OF CONSTRUCTION.—The requirements of this subsection apply in addition to, and not instead of, the other requirements of this section.

SEC. 326. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR GRANTS.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2005 through 2009 to carry out this subtitle.

(b) RESTRICTION ON USE OF FUNDS TO ENSURE EQUAL ALLOCATION.—Each State receiving a grant under this subtitle shall allocate the funds equally between the uses described in section 321 and the uses described in section 322, except as provided in section 325(f).

Subtitle C—Compensation for the Wrongfully Convicted

SEC. 331. INCREASED COMPENSATION IN FEDERAL CASES FOR THE WRONGFULLY CONVICTED.

Section 2513(e) of title 28, United States Code, is amended by striking ''exceed the sum of $5,000'' and inserting ''exceed $100,000 for each 12-month period of incarceration for any plaintiff who was unjustly sentenced to death and $50,000 for each 12-month period of incarceration for any other plaintiff''.

SEC. 332. SENSE OF CONGRESS REGARDING COMPENSATION IN STATE DEATH PENALTY CASES.

It is the sense of Congress that States should provide reasonable compensation to any person found to have been unjustly convicted of an offense against the State and sentenced to death.

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3214, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, news stories extolling the successful use of DNA to solve crimes abound. Consider the following: in 1999, New York authorities linked a man through DNA evidence to at least 22 sexual assaults and robberies that had terrorized the city. In 2002, authorities in Philadelphia, Pennsylvania, and Fort Collins, Colorado, used DNA evidence to link and solve a series of crimes perpetrated by the same individual. In the State of Washington during 2001, DNA evidence provided a major breakthrough of the ''Green River'' killings, a series of crimes that had remained unsolved for years despite a large law enforcement task force and a $15 million investigation.

DNA is generally used to solve crimes in one of two ways. In cases where a suspect is identified, a lawfully obtained sample of that person's DNA can be compared to evidence from the crime scene. The results of this comparison may help establish whether the suspect committed the crime. In cases where a suspect has not yet been identified, biological evidence from the crime scene can be analyzed and compared to offender profiles in DNA databases to help identify the perpetrator.

DNA evidence has also been used successfully to free individuals who have been wrongfully convicted. In my home State of Wisconsin, one such individual, Steven Avery, was exonerated by DNA evidence after serving more than 17 years in the Stanley Correctional Institution in Chippewa County for a sexual assault and attempted murder he did not commit. He was released last month, by the same judge who sentenced him in 1986, after DNA tests exonerated him. Evidence collected from the victim was determined to belong to another inmate, who is serving time for a different sexual assault.

In the late 1980s, the Federal Government laid the groundwork for a system of national, State, and local DNA databases for the storage and exchange of DNA profiles. This system, called the Combined DNA Index System, CODIS for short, maintains DNA profiles obtained under Federal, State, and local systems in a series of databases that are available to law enforcement agencies across the country for law enforcement purposes only. Currently, all 50 States and the Federal Government have laws requiring that DNA samples be collected from some categories of offenders for inclusion in CODIS. Evidence from a crime scene can be linked to other crime scenes through the use of the CODIS database to identify repeat offenders or serial criminals. CODIS can be used to compare crime scene evidence to a database of DNA profiles obtained from convicted offenders.

We are fortunate to have this tool available to ensure accuracy and fairness in our criminal justice system. It has the potential to make our great justice system even better. However, if DNA samples are not tested, or not entered into the databases, that potential is completely wasted. Sadly, the reality is that many samples are not being tested or recorded in the database. To have this tool available and not to fully use it is tragic. Many crimes could be solved, many guilty people could be taken off the streets, and many victims could be spared from further crimes.

Despite DNA's enormous potential, the current Federal and State DNA collection and analysis system suffers from a variety of problems. In many instances, public crime labs are overwhelmed by backlogs of unanalyzed DNA samples, samples that could be used to solve violent crimes if the States had the funds to eliminate this backlog. Some estimates indicate that DNA evidence from at least 300,000 rape crime scenes have been collected but never analyzed in a crime lab. In addition, many of the labs are ill equipped to handle the increasing flow of DNA samples and evidence.

The problems of backlogs and the lack of up-to-date technology result in significant delays in the administration of justice. The system needs more research to develop faster methods to analyze DNA evidence. Legal and medical personnel need additional timing and assistance in order to ensure the optimal use of DNA evidence to solve crimes and assist victims. The criminal justice system needs the means to provide DNA testing in appropriate circumstances for individuals who assert that they have been wrongly convicted.

This legislation, cosponsored by 250 Members of the House, will help eliminate these problems. This bipartisan, bicameral legislation authorizes $755 million over 5 years to eliminate the current backlog of rape kits and other crime scene evidence awaiting DNA analysis in crime labs.

It authorizes funding for training for law enforcement, correctional, court, and medical personnel on the use of DNA evidence. H.R. 3214 funds research to improve forensic technology and authorizes $10 million per year in grants to States, local governments, and tribal governments to eliminate forensic backlogs. It also authorizes funding for the use of forensic DNA technology to identify missing persons and unidentified human remains. Most of these provisions are part of the President's DNA initiative.

H.R. 3214 also seeks to prevent wrongful convictions. The Innocence Protection Act provisions of H.R. 3214, which are also the result of bipartisan and bicameral negotiations, will ensure that our justice system is working. They establish rules for post-DNA testing of Federal prison inmates and require the preservation of biological evidence in Federal criminal cases where the defendant remains incarcerated. These provisions also authorize funding to help States to provide competent legal services for both the prosecution and the defense in death penalty cases. They provide funds for postconviction DNA testing and bonus grants to States that adopt adequate procedures for providing postconviction DNA testing and preserving biological evidence.

This legislation came out of the Committee on the Judiciary by a vote on 28 to 1. After that vote, a few Members raised concerns about the new grant program in title III which provides grants to States which put an effective system in place for appointing and compensating attorneys in capital cases. Members from States that already have a system established by statute felt that those States should be eligible to receive these grants for improving both prosecution and defense training. Along with a few other technical tweaks, the manager's amendment allows those States to be eligible for these grants.

Additionally, the manager's amendment provides improvements to the CODIS and NDIS databases by allowing DNA samples which have been lawfully collected, other than from arrestees or voluntary samples, to be entered into CODIS. DNA samples from arrestees

may be analyzed for a match in the database but may not be retained. This distinction provides a balance between protecting individual rights and ensuring that law enforcement has the tools it needs to solve crimes. I think States like Louisiana, which recently had to track down a serial killer, can appreciate the importance of this change in the law.

Finally, I would like to respond to a couple of the complaints that I have heard about this legislation. I have heard that this bill funds advocacy for those who are opposed to capital punishment. That is not the case at all. The legislation specifically prohibits the direct or indirect use of grant funds for representation in a particular case, and the report language further specifies that grants cannot be used for advocacy.

Finally, I heard some complaints from people who support capital punishment that the innocent protection provisions in this bill will make it more difficult for the death penalty to be imposed upon those who have been convicted and have exhausted their appeals. Let me say that I am a supporter of capital punishment; and unless we use the most modern technology to make sure that those who are convicted are indeed guilty, and those who are not guilty are not put to death, sooner or later the Supreme Court will accept the invitation and declare capital punishment per se a violation of the Constitution.

I believe that this bill is something that death penalty supporters should be supporting because it will provide for a greater degree of accuracy in making sure that those who are convicted of a crime and sentenced to death by a jury in those States which do allow for capital punishment are truly guilty.

I believe that we have crafted a bill that will do much to assist law enforcement in solving crimes and ensuring that the right people are convicted. I urge my colleagues to recognize the benefit of this legislation and vote in favor of its passage today.

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

□ 1045

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

This bill is the culmination of many months of diligent bipartisan and bicameral efforts in the service of a common goal, which is to use all of the tools at our disposal to solve crimes and protect the innocent. As indicated by the chair of the committee, the bill consists of three titles. First, it authorizes $755 million for the Debbie Smith DNA Backlog Grant Program to eliminate the current backlog of unanalyzed DNA samples in this Nation's crime laboratories which, I would submit, is bordering on disgraceful. I wish, at this point in time, to commend the gentleman from Wisconsin (Mr. GREEN) and the gentlewoman from New York (Mrs. MALONEY) for their efforts to raise this issue and to see it incorporated in this omnibus bill today. Secondly, it authorizes grant programs to expand and improve the capacity of Federal, State and local crime labs to conduct DNA analyses, reduce other forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote the use of DNA technology to identify missing persons. Finally, the bill includes the Innocence Protection Act, a measure which I introduced several years ago with the gentleman from Illinois (Mr. LAHOOD), which will help ensure Federal and State inmates access to DNA testing to establish their innocence and will authorize grants to the States to improve the quality of legal representation for both indigent defendants and the public in capital cases.

I would like to thank Chairman HATCH, Senator BIDEN and all our Senate colleagues for working with us to reach this milestone. I want to express my particular appreciation to Senator LEAHY with whom the gentleman from Illinois and I first introduced the Innocence Protection Act some 3½ years ago and who has worked so hard to advance that legislation.

As with any compromise, the version of the Innocence Protection Act that is included in this bill is not all that I had wished for. But it is an important step forward, and I know that Senator LEAHY shares my satisfaction with this achievement. Finally, I want to pay tribute to the distinguished chair of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), without whose good faith and commitment this process would not have achieved this breakthrough, which I believe represents a remarkable achievement for the Committee on the Judiciary. Our staffs have worked closely together over the course of these months and both he and they deserve our gratitude. In particular, I want to thank the chief of staff of the committee, Phil Kiko, who has made a major personal commitment to this effort and has devoted countless hours to keeping the negotiations on track. I would be remiss not to acknowledge the contribution of my own legislative director, who sits to my right for the last time as this is his last day as a member of my staff. For me, it will be painful to see him leave. He is a man of considerable talent, incredible integrity, a friend and one whose efforts in this particular initiative have truly been prodigious.

The criminal justice system, Mr. Speaker, is about the search for the truth. Like all human enterprises, it is fallible. Judges, juries, police, eyewitnesses, defense attorneys and prosecutors are all human beings and all make mistakes. As a prosecutor for more than 20 years in the greater Boston area, I know that I made my share of them, but we have the means at our disposal to minimize the possibility of error, especially where lives are at stake. We must use them, and especially where public safety is at stake, we must use them.

Debbie Smith, a courageous advocate who has done so much to help her fellow survivors of sexual assault and for whom title I of this bill is named, has said, ''It gives no comfort to the victims and their families to know that the wrong person is behind bars and the real perpetrator is free to walk the streets.''

Surely no person in America understands this better than Kirk Bloodsworth, for whom we have named another title of the bill. Mr. Bloodsworth was the first death-row inmate to be exonerated by DNA testing. Not only did DNA establish that he did not commit the terrible crime for which he was convicted, but only a few weeks ago from today, it brought about the identification of the true perpetrator.

Debbie Smith and Kirk Bloodsworth are both among the innocent whom we seek to protect. By eliminating the backlog of unanalyzed DNA samples in the Nation's crime labs, the bill will help ensure that DNA technology is fully deployed to solve past crimes and prevent future ones. And by ensuring that eligible Federal and State inmates have access to postconviction testing that can establish their innocence, the bill will help correct wrongful convictions when they occur and will prompt in those cases renewed efforts to identify the real perpetrator, as it did in the case involving Kirk Bloodsworth.

No one knows whether innocent people have been executed since the death penalty was reinstated in 1976. We do know there have been some very close calls, however. Since 1976, 111 people in 25 States have been released after spending years on death row for crimes they did not commit. Some of them came within days or hours of being put to death. It was cases like these that have called respected, conservative judges like Sandra Day O'Connor to express concern that the system, and I quote: May be well allowing some innocent defendants to be executed.

I think the closing remarks of the chair relative to the position and the posture of those that support the death penalty ought to mark well the words of Sandra Day O'Connor when it comes to this particular legislation. Many of these miscarriages of justice can be corrected by giving eligible inmates access to DNA testing. DNA testing was responsible for exonerating 12 of the people freed from death row and another 126 who were wrongfully convicted of serious crimes. In at least 34 of these cases, the same tests that exonerated an innocent person led to the apprehension of the real perpetrator. Yet access to testing often is litigated, sometimes for years, allowing the real perpetrator to continue to prey upon the neighborhoods and communities in this country. Evidence that might have

established innocence has been misplaced or destroyed. If we are to advance justice, we must ensure that biological material is preserved and DNA testing is made available in every appropriate case.

The bill takes a significant step toward achieving this goal by ensuring eligible inmates access to DNA testing and establishing the Kirk Bloodsworth Postconviction DNA Testing Program, which will help States defray those costs. But DNA is not a magic bullet that will eliminate the problem of wrongful convictions. Biological evidence, which is utilized in DNA testing, is available in less than 20 percent of violent crimes. And even where such evidence exists, postconviction testing only tells us that the system failed. It does not prevent the failures from occurring in the future. The best way to do that is to make sure that every indigent defendant who is facing the death penalty has access to a competent attorney. I was a prosecutor, as I indicated, for over 20 years and I know the adversarial process can find the truth only when the prosecution and the defense are up to the job. Our system of justice depends on it. We cannot tolerate a system that leaves capital defendants at the mercy of lawyers who are poorly trained and poorly compensated who fail to conduct a proper investigation and examine the evidence, or, worse, who drink or sleep their way through the trial. The reality is that that has occurred in the courts of justice here in America. We cannot tolerate a system that relies on reporters and journalism students to develop new evidence which was never presented in court. We cannot tolerate a system in which chance, or the luck of the draw, plays such a profound role in determining whether a defendant lives or dies and a murderer escapes justice.

The bill addresses this problem by authorizing grants to the States to improve the quality of legal representation for both indigent defendants and the prosecution and the people in capital cases. Lawyers assigned by the court to these unpopular and unprofitable cases are often overworked, inexperienced and sometimes incompetent. It is little wonder that over half of all death sentences are overturned on appeal or after postconviction review because of the errors at trial.

Ultimately, however, this bill is not about the death penalty. It is not about DNA backups. It is about restoring public confidence in the integrity of the American justice system as a whole, without which our Constitution and our democracy is put at risk. For the rule of law, due process and everything that we stand for incorporated in our justice system and in our jurisprudence is what sets America apart among the family of nations. That is a goal on which we stand united.

I look forward to working closely with my colleagues to see that this extremely important initiative is signed into law.

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

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

Mr. GREEN of Wisconsin. I thank the gentleman for yielding me this time.

Mr. Speaker, let me begin by thanking the gentleman from Massachusetts (Mr. DELAHUNT) and the gentlewoman from New York (Mrs. MALONEY) for their great work and their contributions to this legislation and the gentleman from Illinois (Mr. LAHOOD) for his outstanding work on it, but most of all let me personally and publicly thank the chairman of the Committee on the Judiciary for his work, because without his work, simply put, we would not be here today. I want to thank him so much for his hard work here.

DNA technology is a truly amazing tool for the modern-day investigator and prosecutor. We can identify a perpetrator from one single hair. We can now indict a person by their DNA and match that code to a name at a later time. This is the great promise of DNA technology, the promise of justice. However, sadly, justice is not always timely. Too many people have had to wait years for justice. They wait in fear as their rape kits sit on a shelf untested. They wait as dangerous criminals walk free, free to strike yet again. Debbie Smith, who has been a courageous leader on this issue, went through this battle. I have worked with Mrs. Smith and heard her story numerous times. Each time I hear the passion in her voice on this topic, it encourages me and others to fight even harder to help the hundreds of thousands of victims that have DNA samples taken but have not yet found justice. Today, Debbie, you are victorious. The fact that hundreds of thousands of pieces of vital evidence essentially sit unused is outrageous. It is unacceptable. We need to get these rape kits off the shelves so they can be used to get rapists off the streets.

The Debbie Smith Act is about justice being done. It is about rapists being caught, convicted with irrefutable DNA evidence and put away for a long, long time. It is about helping thousands of victims receive justice by harnessing an exciting, emerging technology.

I urge all of my colleagues to support this legislation. It is a critical part of restoring the public's faith in our justice system.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY) who along with the gentleman from Wisconsin has done such tremendous work.

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

Mrs. MALONEY. Mr. Speaker, this bill marks the end of a very long journey to pass legislation that will put criminals behind bars and protect the innocent. I thank the extraordinary work of the gentleman from Wisconsin (Mr. GREEN) and the gentleman from Wisconsin (Mr. SENSENBRENNER) who brought all the pieces together and the long, long leadership of the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Virginia (Mr. SCOTT), the gentleman from New York (Mr. WEINER) and so many others that have brought this successfully to the floor.

□ 1100

In the 107th Congress, I authored a bill to provide funding to process the backlog of DNA evidence after holding a hearing with Congressman HORN where a courageous rape survivor, Debbie Smith, testified. After her testimony, there was not a dry eye in the room, where she told how she was dragged from her home and brutally raped while her husband slept upstairs. After medical attention and after many years of living in fear, Debbie finally learned that DNA processing techniques had produced a cold hit identifying her assailant.

But her story in many ways is a story of many women. There is great violence against women in America. Every 2 seconds, there is a sexual assault against a woman. And we know that DNA techniques can convict and prevent rapists from attacking in the future. We know that each rapist will attack at least seven or eight times, according to law authorities, and each unprocessed DNA kit represents an innocent person, like Debbie Smith, or a rapist who could attack again if he is not put behind bars.

This bill will literally protect many women from sexual assault. It is an extremely important bill, and it will help with this backlog of hundreds of thousands of rape kits that are sitting on shelves across America gathering dust, when, if it was processed, could convict and place a rapist behind bars.

Mr. Speaker, there are many various important aspects of this bill. I am delighted that it includes the Debbie Smith act. I thank her for her courageous work, and many, many others.

Earlier this year, I reintroduced similar legislation, along with Representative MARK GREEN. The bill would accomplish several critical objections including providing funding to process the backlog of DNA evidence, setting national standards for DNA evidence collection, providing grant money for Sexual Assault Forensic Examiner programs, and providing funding to train law enforcement authorities on the collection and handling of DNA evidence.

I am delighted that the legislation that we are about to pass today includes ''The Debbie Smith Act.'' H.R. 3214 represents a bipartisan and bicameral effort to pass legislation that will put rapists in prison.

Many domestic violence groups and activists, including former Congresswoman Liz Holtzman, have helped us to get to this point. I also want to acknowledge the outstanding efforts of Lifetime Television in fighting against domestic violence and sexual assault. And of course, this bill has had no greater champion than Debbie Smith herself.

Tragically, the dismal reality is that only 6 percent of women who have been raped will ever see their attacker spend a day in jail.

Once again, I sincerely thank Chairman SENSENBRENNER for his leadership on this issue, and I urge my colleagues to vote for this legislation so that we can put an end to this travesty of justice.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), who has been one of the principal motivators behind this legislation.

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

Mr. LAHOOD. Mr. Speaker, I want to thank the chairman of the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Massachusetts (Mr. DELAHUNT), and our Senate colleagues, Mr. HATCH and Mr. LEAHY, for their many, many hours of work.

I rise today as a supporter of the death penalty and an original cosponsor of the bill. In the 106th and 107th Congresses, I sponsored the Innocent Protection Act with my friend, the gentleman from Massachusetts (Mr. DELAHUNT), whom I have great admiration for. This bill, which is now included as section 3, includes the Innocence Protection Act.

I am a proponent of the death penalty, as a deterrent to violent crime, and this bill provides materials necessary to repair a flawed system, and we do have a flawed system. I believe those of us that support the death penalty have a responsibility to ensure it is applied fairly. As a just society, we must condemn the guilty, exonerate the innocent, and protect all Americans' fundamental right to truth. It is my belief that this legislation allows us to save the death penalty, to know that we are utilizing it in instances where we are confident of wrongdoing.

Mr. Speaker, we cannot afford one more innocent life to be lost due to inexperienced counsel or unprocessed DNA kits. We must permit inmates access to postconviction DNA testing to establish innocence and compensate those who have served time for crimes they did not commit.

In order to continue rightful punishment of the guilty, we must establish minimum standards for competency of counsel in capital cases. As long as innocent Americans are on death row, the guilty remain on our streets. This legislation would increase public confidence in our Nation's judicial system as it relates to the death penalty. Individuals have spent years on death row for crimes they did not commit, some within hours of execution. A death sentence is the ultimate punishment, and there must be 100 percent certainty of guilt. In protecting the innocent, we also make sure the guilty do not go free.

I applaud the chairman, I applaud the gentleman from Massachusetts (Mr. DELAHUNT) and our Senate colleagues, and I ask Members to support this legislation.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Committee on the Judiciary Subcommittee on Crime, Terrorism and Homeland Security, and a leader on these issues.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me time.

This bill makes DNA technology available to our criminal justice system in a way that effectively enhances the efficiency and certainty in exonerating the innocent, as well as identifying, prosecuting and convicting the guilty.

In recent years, the advent of DNA evidence has shown us, unequivocally, we have been convicting and incarcerating innocent people, while allowing many guilty people to go free. As a result of DNA identifications, many offenders have been convicted. At the same time, 138 convicted and sentenced individuals have been exonerated by DNA evidence, including 12 who were on death row.

The numbers of suspects who have been excluded as offenders at the outset of criminal investigations is even greater. The FBI reveals that 25 percent of suspects who are DNA tested are, in fact, exonerated.

This bill includes the provisions of the Debbie Smith Act, which authorizes significant funding to process DNA analysis for evidence. Many evidence kits are not now analyzed simply because of lack of funding, which means that many offenders are evading justice just because of lack of funds. This bill will mean they will be tracked down and prosecuted.

Virginia is a leader in solving crimes and DNA technology, and all States will benefit from the provisions of the Debbie Smith Act. The Debbie Smith Act is from Virginia.

While DNA technology has provided uncontrovertible proof that innocent people have been convicted and sentenced, DNA evidence covers only a small portion of those who are ultimately found to be innocent. One frequent reason for innocent people being convicted and sentenced, even to death, is incompetent and ineffective counsel. This is also the reason why many convictions are overturned. So we are pleased that there are minimum standards assured in the bill for qualifications of attorneys who will represent potential death row inmates.

Mr. Speaker, this will actually also mean that not only innocent people will not be convicted, but also many of the convictions will in fact be upheld on appeal.

I urge my colleagues to support the legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I rise with great reluctance today to oppose this bill, particularly because of the respect I have for the chairman and for the main sponsor on the Democratic side. I certainly support the goals of this legislation, but I think it is appropriate to ask, why is Congress authorizing $100 million in Federal funds to operate a State program?

There seems to me to be no reason for Congress to finance the State public defender system. Basic precepts of federalism dictate that each level of government should finance its own operations. Once States become accustomed to and budget for Federal funds, they can never reject the money, and Federal funding inevitably comes with increased Federal strings. We have seen that in every other area, most notably public education.

In the long run, States risk losing control over their own public defender programs. I believe there is no reason to start down that path.

I would like to yield to the gentleman from Arizona (Mr. SHADEGG), who has direct experience in the State Attorney General's office.

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

Mr. FLAKE. I yield to the gentleman from Arizona.

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

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I, too, rise reluctantly to oppose the legislation, in admiration for the committee chairman and the ranking member, but I think it is important for our colleagues to know that this legislation, while it does many good things and is certainly well-intended, is opposed by the National District Attorney's Association. They wrote the Speaker of the U.S. House very recently to express their concern. They talked about the good aspects of the bill, but they expressed concern on two topics, both the funding in the bill, in terms of what it would do to death penalty cases, but also and most importantly, the standard of proof that the bill sets for a new trial.

Specifically, the National District Attorney's Association wrote that the standard of evidence is set dangerously low. What they mean by that is under this legislation, convicted felons will have the ability to make a demand for a retrial under circumstances which are far lower than any other circumstances similar in other situations, and they expressed grave concern about that. Convicted criminals will be allowed to make consecutive, multiple requests for DNA testing under this bill. They would have an ability to tie up the courts over and over again by submitting separate requests.

I reluctantly urge my colleagues to oppose this bill and join the National District Attorneys' Association in opposing the bill so we can improve it and pass it in an improved fashion.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEINER), another author and a champion of the Debbie Smith Act and a member of the committee.

Mr. WEINER. Mr. Speaker, I thank the gentleman from Massachusetts for

his great leadership and the chairman of the committee.

Mr. Speaker, the way we treat the victims of rape in this country is a crime. Evidence that is collected at crime scenes often sits for years, sometimes beyond the statute of limitations, completely untouched by human hands. When that victim goes into a hospital emergency room, frequently they sit in triage with dozens of other people for hours at a time waiting to be examined by someone with no experience in such cases. With this legislation, we change both of those things.

More than 350,000 rape kits, evidence, sits on warehouse shelves throughout the country. We had as many as 16,000 in New York City, until the city began its own program of trying to analyze that evidence.

The technology exists, quite frankly, to match victims' DNA collected at crime scenes with those of criminals. We can make hits and we can often put people away; 154 cold cases have resulted in cases being solved, and in 204 more cases, we know who did it. And now it is just a matter of finding that perpetrator of a crime.

Can you imagine being a person who has been victimized in that way, having that crime scene created, having the evidence taken in the most invasive of ways, only to learn that it is sitting and sitting and sitting without any effort to analyze it.

Why do we have this problem? One word, money. Now the Federal Government, for the second time in this House we are passing legislation to deal with that backlog, $75 million over the next 5 years.

For those of us who have become concerned that in the past money has been grabbed by the States, never makes it to the city, this allows cities to make direct applications. This is an opportunity for us to bring justice to thousands of women. This is an opportunity for us to allow women who have been victimized by rape not to be victimized a second time by a system that does not pay enough attention to it.

I would point out to my colleagues that one of the indexed crimes is going up while all the others is going down, and that is crimes against women, rape. That is because people who perpetrate rape, we know, do it again and again and again and again. One crime we solve may stop seven women from being victimized in the future. That is why these provisions are so important.

We all see DNA evidence through the lens of our own interests. I see it as both what my friend, the gentleman from Massachusetts (Mr. DELAHUNT), says and through my lens as someone who cares about civil liberties, but also wants these crimes solved.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

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

I rise in support of this legislation. People across the country, including 100,000 women watching Lifetime Television, have signed a petition supporting the bill. My constituents, law enforcement, have supported this bill. There are a number of reasons.

Nearly 12 years ago, a high school girl from the Pittsburgh area was raped and murdered shortly after she arrived in Fort Lauderdale for a vacation. For 12 years, that crime went unsolved. The family of that young girl was left not only with the loss of a daughter and sister, but also with the void of not knowing who committed the crime. Finally, a detective in Florida was able to match the DNA evidence to that of a convicted murderer on death row in Arkansas, and the mystery was solved.

That Fort Lauderdale officer said of matching the DNA evidence, ''It is basically getting that needle in the haystack and making the haystack smaller.''

This is what H.R. 3214 accomplishes. It makes the haystack smaller. DNA evidence is not just effective in murder cases, it is an extremely valuable tool in sexual assault cases.

A year ago, a man kidnapped and raped two women near Pittsburgh, but they could not identify him because the crimes occurred in the dark. As our district attorney noted, but for the work of the police and the coroner's division of laboratories, the man would never have been apprehended. Instead, because of DNA evidence, his crimes earned him a sentence of over 200 years in prison.

While these are all positive cases, unfortunately, there is a backlog of DNA samples. Experts have determined that DNA evidence from over 180,000 rape crime scenes have been collected and never analyzed. Imagine those families, wondering, waiting and worrying.

In addition, many labs do not have the technology to analyze these samples. The funding in this bill will provide grants to local governments to eliminate that backlog, improve technology used to collect and analyze that DNA evidence, and catch those criminals. Ultimately, this funding will help not only solve crimes, but it will make our communities safer.

In addition, the bill will improve the accuracy of our judicial system for those who believe they may have been wrongfully convicted. Despite criticisms of opponents of this bill, it will not open the floodgates of litigation by prisoners claiming innocence. It will not remove the State's responsibility for prosecution. It will help them to accomplish their purpose, and that is our job here.

Mr. DELAHUNT. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SCHIFF), a distinguished member of the Committee on the Judiciary, someone whose input into this effort has been well-noted, and who has made a very significant contribution.

□ 1115

Mr. SCHIFF. Mr. Speaker, I appreciate the gentleman yielding me this time and his effort on this legislation.

As lead cosponsor of the Advancing Justice Through DNA Technology Act of 2003, I rise in strong support of this landmark piece of legislation that will solve countless crimes and potentially exonerate innocent individuals wrongly imprisoned.

For years we have attempted to deal with crime by focusing almost exclusively on increasing sentences of those that we catch rather than catching those who continue to elude all punishment. We have been tough on crime, but not always smart about our tactics.

As a former Federal prosecutor, I have long recognized what a powerful tool the use of DNA profiles has become in solving crime. The FBI DNA database contains about 1.5 million DNA profiles and has yielded thousands of matches in criminal investigations, and thousands of additional matches can and must be made.

For this reason, I introduced legislation earlier this year to increase the effectiveness of DNA databases. This legislation was aimed at replicating nationwide the success that many States have had, and I am pleased that many of these policy improvements have been included in the bill before us today.

I want to thank the majority and minority members of the House and Senate for their willingness to work together to incorporate some of the provisions that I authored to provide additional database searching capabilities for Federal, State, and local law enforcement agencies. These additional tools will help solve thousands of cold cases, including unsolved murders and rapes.

The legislation before us provides much-needed funding to eliminate the backlog of unanalyzed samples and will do much to protect the innocent and apprehend the guilty.

Mr. DELAHUNT. Mr. Speaker, I have no further speakers; but I yield the balance of the time on this side of the aisle to the gentleman from North Carolina (Mr. COBLE), my friend and the chairman of the Subcommittee on Crime and a well-known crime fighter.

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in hearty support for this legislation. I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Illinois (Mr. LAHOOD), and the gentleman from Virginia (Mr. SCOTT) and many others on the subcommittee and the full committee for their hard work.

Mr. Speaker, this is a good piece of legislation, and I urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the two gentlemen from Arizona and their arguments in opposition to the bill, I think, are really misdirected. The gentleman from Arizona (Mr. FLAKE) said that the system of

federalism in terms of State public defenders is abused by this bill, and this really is not the case at all.

One of the reasons capital convictions end up being overturned has been that there has not been adequate counsel. This bill provides money to make sure that there is adequate counsel, not just on the defense side, but on the prosecution side as well, because States that use a public defender system to provide a defense in capital cases are eligible under this bill for both prosecution and defense frames.

The other gentleman from Arizona (Mr. SHADEGG) argues that the low standard for requiring new trials would allow criminals to go free. The bill does set appropriate standards for postconviction testing and new trials, but a judge must find that there is reasonable probability that the defendant did not actually commit the offense in order to even order a DNA test; and the preponderance of evidence standard would kick in once the court has ordered the test, and the test is either not inculpatory or is inconclusive. The court would then take the DNA test into account with all other evidence in deciding whether or not to order a new trial.

Mr. Speaker, this is a good bill. It will ensure that the guilty have a better chance of being convicted and will serve their punishment, and those who are innocent will have a better chance of being found not guilty and go free. I urge the House to support this bill.

Mr. EMANUEL. Mr. Speaker, today I rise as a strong supporter and cosponsor of H.R. 3214 the ''Advancing Justice Through DNA Technology Act of 2003.'' This bill would provide prosecutors with solid DNA evidence, and a stronger defense for the accused. Ultimately, it will strengthen and renew faith in our judicial system. Allow me to offer just one example of why this bill is so important.

In 1999, Shawn Armbrust, Tom McCann and other students at the Medill School of Journalism at Northwestern University discovered that Illinois death row inmate Anthony Porter had been falsely convicted. Also through the hard work of other Medill students, the ''Ford City Four'' were also found to be wrongfully accused. The public exposure of the discoveries led to a review of all death row cases in Illinois and ultimately 156 inmates were given a blanket commutation. These remarkable events focused the global spotlight on Illinois and caused many to question the basic tenets of the judicial system. Disturbingly, Illinois, and indeed many other States, may have wrongfully executed innocent people. The Medill students combined their investigative reporting skills with new technology to free those wrongly accused. Similarly, this bill will go a long way towards ensuring that those wrongly accused. Similarly, this bill will go a long way towards ensuring that those accused of crimes have a better defense. It will also help prosecutors ensure that justice is served.

Mr. Speaker, the students at Medill opened the door by highlighting the flaws in Illinois' system. Now it is our job to guarantee a fair and impartial judicial system. H.R. 3214, the ''Advancing Justice Through DNA Technology Act of 2003'' takes us one step closer to righting the system.

Mr. NADLER. Mr. Speaker, I strongly support this legislation.

I want particularly to congratulate Mr. DELAHUNT who first introduced the Innocence Protection Act several years ago, and has worked tirelessly on this matter ever since. I want to thank the chairman and the members of the committee from both sides of the aisle for working together to put politics and sound bites aside and to pass meaningful legislation to fight crime and advance the cause of justice.

I am pleased that this bill includes the modified Innocence Protection Act that aims to reduce the possibility that innocent people will be put to death. I understand this is a delicate compromise, but I must say that this bill is only a first step, not a final step, in our efforts to reform our Nation's capital punishment laws. These laws are broken and major reform and full funding of this legislation is necessary to prevent the innocent from being wrongfully convicted and executed.

It is imperative that we eliminate the shameful backlog of untested rape kits, and this bill will go a long way toward that goal. On the issue of rape kits, again, let me say, ''It's about time.'' Many Members have been personally involved in the fight to test rape kits for several years now. I have worked with NOW, RAINN, and Liftime Television to raise awareness of this issue and to build consensus for decisive action. Together we have pushed, prodded, and demanded that Federal funding be provided to test these kits right away. Today, we are one step closer to our goal.

But we are not there yet. These programs still need to be funded, and I am hopeful that we will not simply authorize funding for these programs, but also actually appropriate funding when the time comes to pass the Commerce Justice State appropriations bill.

This issue is too important to ignore. Police Departments must have the resources they need to solve crimes and put criminals behind bars.

I am pleased that this bill includes a provision similar to the ''Rape Kit DNA Analysis Backlog Elimination Act'' which I introduced back in March 2002, which would have provided $250 million to eliminate the rape kit backlog 2 years ago. The bill before us today acknowledges that we were right back then when we requested major increases in funding, since this bill offers even more funding for this task. In addition, I am pleased to see that, like my bill, the phrase ''rape kits'' has been specifically added to our current law to further underscore the need for this funding to address rape crimes in particular. These heinous crimes deserve our full attention and the victims of the crimes deserve the certainty that DNA evidence can bring to them.

Once again, I am pleased to support this bill because it represents a serious effort to combat crime, locate and apprehend rapists, and use powerful evidence to put them in prison.

Mr. CASE. Mr. Speaker, I rise today in strong support of H.R. 3214, the Advancing Justice Through DNA Technology Act of 2003, and urge my colleagues to vote in support of final passage of this vital legislation.

Recently, my Honolulu Police Department received a grant from the U.S. Justice Department to cover the costs of conducting DNA analysis on backlogged cases, many of which are sexual assault crimes. While I am sure that we are all grateful for funding such as this, we must recognize that much more must be done, on a broader, more coordinated basis, to take full advantage of the legitimate uses of DNA evidence in criminal justice.

As an original cosponsor of H.R. 3214, I believe that this bill will bring a far better measure of justice to both victims and accuseds. It will also provide desperately needed support and resources for our local law enforcement efforts.

H.R. 3214 establishes new procedures for DNA testing for Federal inmates, and authorizes $5 million in grants over 6 years to help States defray the costs of post-conviction DNA testing. In addition, $755 million is authorized to help decrease the backlog of more than 300,000 rape kits, and more than $500 million is provided for grant programs to improve the capacity of federal, state and local crime labs to conduct DNA analyses, train criminal justice personnel in how to use DNA evidence, and promote the use of DNA technology to identify missing persons.

I commend the work of the members of the Committee on the Judiciary, especially Chairman SENSENBRENNER and Ranking Member CONYERS, who worked together in a true bipartisan fashion to develop the legislation and bring it to the floor in such a swift manner. Your efforts yielded broad support as H.R. 3214 has 249 cosponsors, which includes 69 Republicans, 179 Democrats, and 1 Independent.

Again, I urge my colleagues to support final passage of H.R. 3214.

Ms. PRYCE of Ohio. Mr. Speaker, today the House considers legislation that makes important progress in our fight against crime. H.R. 3214 represents months of bipartisan work by Members who are dedicated to improving law enforcement in our country. Through the increased and improved use of DNA evidence, law enforcement officials will be able to better identify criminals while protecting the innocent. I wholeheartedly support this bill.

Across the country, States are experiencing unprecedented backlogs in analyzing DNA evidence in criminal cases. These backlogs create interminable delays, robbing our system of the accuracy and efficiency necessary to identify the innocent, punish the perpetrators, and provide justice to victims. President Bush has recognized the gravity of this problem, and H.R. 3214 provides $755 million to help enact his initiative to reduce the backlogs of unanalyzed DNA evidence.

More specifically, H.R. 3214 includes essential provisions that provide for the testing of thousands of unexamined rape kits. According to the Department of Justice, across the United States there are at least 350,000 rape kit DNA samples that need to be analyzed. Many of these kits have been sitting on the shelves of laboratories for years. As a woman and as a Member of Congress, I find the delay in the processing of these kits appalling and unacceptable.

DNA evidence from rape kits can provide solid evidence of a perpetrator's identity. Often, these samples are the key piece of evidence, providing ''cold hits'' in cases for which there is no suspect. It is a crime in itself that the processing of these kits has been delayed so long. It is time for the Federal Government to provide the States with the assistance and direction needed to correct this injustice.

The bill we consider today provides $151 million each year for the next 4 years for

States to eliminate their rape kit backlogs. The bill also ensures that private laboratories can assist in processing rape kits. These measures will ensure that thousands of women in the United States will finally have closure.

I urge my colleagues to support this important legislation.

Mr. CONYERS. Mr. Speaker, I want to thank Chairman SENSENBRENNER, Representative DELAHUNT and Members on both sides of the aisle for their hard work in developing this bipartisan, bicameral compromise. H.R. 3214 takes the first of hopefully many steps toward improving the integrity of our criminal justice system.

First and foremost, the bill provides Federal inmates with access to DNA testing, thereby enabling them to establish their innocence after being subjected to a wrongful conviction. As many of you know, over the past few years, more than 110 innocent Americans have already been exonerated thanks to post-conviction DNA testing. This provision will ensure that others wrongfully convicted will also have an equal chance at obtaining justice.

Second, the bill authorizes grants to be awarded to States with the express purpose of improving the quality of legal representation afforded indigent defendants in capital cases. Experts have indicated that many of the most egregious cases in which an innocent person was wrongfully convicted involved attorneys who were incompetent, ill-trained, or simply ineffective. These grants will dramatically alter this situation by providing defendants with defense counsel that meet a minimum standard of competency.

Finally, the bill contains a provision—not often mentioned—but of extreme importance to those that have been subjected to a wrongful conviction. I'm speaking of the provision in the bill that increases the maximum amount of damages an individual may be awarded for being wrongfully imprisoned from $5,000 to $50,000 per year in noncapital cases and up to $100,000 per year in capital cases.

Having pointed out the many virtues of the bill, I must admit this bill remains far from perfect. I would prefer the legislation include an outright ban on the use of the Federal death penalty. I also think the bill would have been considerably better if it addressed some of the many factors that contribute to the unacceptably high rate of wrongful convictions, including eyewitness error, perjury, false confessions, and police torture.

Nevertheless, I strongly support the delicate compromise that has been reached today. And, I urge my colleagues to support this worthwhile initiative.

Mr. COBLE. Mr. Speaker, very seldom do we find a law enforcement tool that benefits everyone involved in the criminal justice system equally. DNA is this tool. Prosecutors, defendants and victims all benefit from the fact that DNA provides an unquestionable evidence of guilt and innocence. Forensic DNA technology is the future of investigations and Congress must ensure that the criminal justice system has the necessary resources so that this technology can keep pace with the future demands an eliminate any backlog that may slow its progress.

The bill before us would ensure just that. The ''Advancing Justice Through DNA Technology Act,'' would provide grants to improve the administration of justice by eliminating the DNA backlog, testing rape kits, improving forensic science and DNA labs in states, and providing training for law enforcement, prosecutors, medical personnel in DNA analysis.

There is no question that the current federal and state DNA collection and analysis system needs improvement. In many instances, public crime labs are overwhelmed by backlogs of unanalyzed DNA samples. In addition, these labs may be ill-equipped to handle the increasing influx of DNA samples and evidence. More research is needed to develop faster methods for analyzing DNA evidence and professionals involved in the criminal justice system need additional training and assistance to solve crimes.

The bill would also provide grants to states to improve the quality of legal representation for both indigent defendants and the public in capital cases. As my Chairman stated earlier, it is important to note that these grants may not be used for representation in a particular case or to fund political advocacy. This prohibition will prevent such dollars from being used to promote an anti-death penalty agenda.

The bill would also allow funding to process post conviction DNA test if certain criteria are met.

It is important to clarify that the bill allows DNA testing of evidence only when an applicant can show that it is consistent with a theory of defense, that testing would produce new material evidence to support the theory of defense, and assuming it excluded the defendant, would raise a reasonable probability that the applicant did not commit the offense.

Further, a judge would only be authorized to grant a new trial after considering potentially exculpatory DNA evidence in conjunction with all other evidence in the case.

Finally, a defendant could only apply for post conviction testing if the specific evidence to be tested was not previously subjected to DNA testing or new technology in testing has been developed and the defendant did not voluntarily waive his right to have the evidence tested. Again, it is important to note, a judge would still have to have to consider all evidence in the case.

I believe that the Innocence Protection Act provisions in the bill are necessary to both protect the rights of those wrongfully convicted and to preserve the integrity of the death penalty. As a proponent of capital punishment in appropriate cases, I also believe that individuals convicted of a crime and subsequently sentenced to death by a jury of their peers should have fair access to competent legal advice and due process under the law.

It is my opinion that as technology improves and new tools are available to investigate crimes and prosecute criminals, we must grow our justice system to accommodate such tools to preserve equal justice for all.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3214, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

REAUTHORIZING THE BAN ON UNDETECTABLE FIREARMS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3348) to reauthorize the ban on undetectable firearms, as amended.

The Clerk read as follows:

H.R. 3348

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

SECTION 1. REAUTHORIZATION OF THE BAN ON UNDETECTABLE FIREARMS.

Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended—

(1) by striking ''15'' and inserting ''25'';

(2) in subparagraph (B)—

(A) by striking ''and (h)'' and inserting ''through (o)''; and

(B) by striking ''and (g)'' and inserting ''through (n)''; and

(3) by striking subparagraphs (D) and (E) and inserting the following:

''(D) section 924(a)(1) of such title is amended by striking 'this subsection, subsection (b), (c), or (f) of this section, or in section 929' and inserting 'this chapter'; and

''(E) section 925(a) of such title is amended—

''(i) in paragraph (1), by striking 'and provisions relating to firearms subject to the prohibitions of section 922(p)'; and

''(ii) in paragraph (2), by striking ', except for provisions relating to firearms subject to the prohibitions of section 922(p),'; and

''(iii) in each of paragraphs (3) and (4), by striking 'except for provisions relating to firearms subject to the prohibitions of section 922(p),'.''.

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3348, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, in the last few years, we have had to make a lot of adjustments in security for our Nation's airports, government buildings, and ports. We have recognized that this heightened security is necessary to protect the United States from terrorist threats. However, even before the events of September 11, 2001, Members of Congress

recognized the possibility of threats from terrorists, both from within and without our borders.

In 1988, Congress passed a ban on undetectable firearms to prevent the manufacture, sale, importation, shipping, possession, transfer, or receipt of firearms that could not be detected by metal detectors or x-ray machines. Since passengers are not permitted to bring firearms on to planes and individuals cannot bring firearms into government buildings, it only makes sense that we ensure that the firearms purchased in this country are detectable by the security machines in those places.

The Undetectable Firearms Act of 1988 provided a sunset on the ban after 10 years to take into account any changes in technology of security machines or firearms. The ban was extended in 1998 for an additional 5 years, and H.R. 3348 would extend this ban for an additional 10 years. The penalties will remain the same: any violation of the ban is punishable by a fine or imprisonment up to 5 years.

It is easy to see why this ban, now more than ever before, must be extended. This is not the time to put our Nation's airports in jeopardy by allowing individuals to pass through security with undetected firearms. Plastic firearms, which are real guns that can do real harm, can breach this security. We can prevent that by prohibiting the manufacture of plastic firearms in the first place, and that is what this bill does.

I would point out that both the National Rifle Association and the U.S. Department of Justice support this legislation. I would like to read into the RECORD a letter which I received 2 days ago from Chuck Cunningham, director of Federal affairs for the NRA:

Dear Chairman Sensenbrenner: On behalf of our 4 million members, I am writing to express our support for H.R. 3348, your legislation to extend the sunset of the restriction of undetectable firearms.

''It is very important to be absolutely clear about the history of this legislation. When originally passed in 1988, the Undetectable Firearms Act did not ban any existing firearm. The extension of this restriction would also not prohibit any firearm in production today. This legislation was and still is purely preventive. The sunset provision was included as a way to balance the possible future development of nonmetallic firearms against likely improvements in detection technology. The statute also allows the executive branch to reduce restrictions under the bill to adapt to those changes.

''Based on the current state of firearms and detection technology, we believe that a straight 10-year extension is an appropriate way to allow continued flexibility, while removing the issue beyond current political debates. Please let me know if we can be of assistance in the speedy passage of this legislation.

This is signed, ''Charles H. Cunningham, Director of Federal Affairs'' for the National Rifle Association.

I believe that this is commonsense legislation. I urge my colleagues to support it.

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

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

Mr. Speaker, I want to thank the chairman of the Committee on the Judiciary for his leadership on this issue. In the wake of the September 11 attacks, we need to do much more to prevent dangerous firearms from falling into the hands of would-be terrorists and other violent criminals.

We could start by renewing the current assault weapons ban. We could also strengthen criminal background checks and close the gun show loophole so that rogue gun dealers will not be able to evade the current spirit of the law and sell guns to criminals and suspected terrorists. Finally, we need to protect us from firearms that cannot be detected by metal detectors or x-ray machines.

The bill before us today achieves the last of these objectives. It renews the Undetectable Firearms Act of 1988, also known as the Plastic Gun Law, which makes it illegal to manufacture, import, possess, or transfer a firearm that is not detectable by walk-through metal detectors or airport x-ray machines.

Renewing the ban on plastic guns is vital. The gun industry clearly has the technology to manufacture firearms that cannot be detected by metal detectors or x-ray machines. As early as 1986, the Congressional Office of Technology Assessment determined that the ''technology does exist to manufacture certain firearms which would be completely or almost completely nonmetallic'' and that ''plastic handguns may be available on the commercial market quite soon.''

Indeed, shortly thereafter, in 1986, an attempt was made by Libyan dictator Muammar Qaddafi to purchase more than 100 firearms produced in Austria and constructed almost entirely out of hardened plastic.

With the ongoing war on terrorism, it is even more important than ever that we take an aggressive stance against dangerous weapons that make our society vulnerable to future terrorist-related attacks. H.R. 3348 was introduced with this in mind; and while I would strongly prefer to make this bill permanent and not just an extension, I think the extension is an important step in the right direction, and I urge my colleagues to support the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3348, as amended.

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

A motion to reconsider was laid on the table.

□ 1130

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on H.R. 2800, and that I may include tabular and extraneous material.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2800, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mrs. LOWEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year 2004 be instructed to insist on the provisions of the Senate bill providing a total of $1,726,000,000 to combat HIV/AIDS, tuberculosis and malaria.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Arizona (Mr. KOLBE) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. LOWEY).

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

Mr. Speaker, this motion to instruct the conferees on the fiscal year 2004 foreign operations bill will ensure that the House is clearly on record to provide the highest possible funding level for HIV/AIDS, tuberculosis, and malaria in 2004.

With the $700 million provided in the Labor HHS bill for these purposes, acceptance of these funding levels would bring the total amount provided for HIV/AIDS, TB, and malaria in 2004 to $2.4 billion.

This motion urges the House conferees to approve the higher levels in the Senate-passed bill. While I had

hoped to reach the level of $3 billion, as the President has promised, acceptance of this motion gets us most of the way there. A Republican-sponsored amendment to add $300 million in HIV/AIDS funding passed overwhelmingly in the other body. In addition, the Senate bill increases the amounts for TB and malaria by $30 million above House levels. This motion simply solidifies the funding levels implied by the HIV amendment and the underlying bill.

We should not forget that this House voted to authorize $3 billion to fulfill the first year of the President's 5-year/$15 billion global AIDS initiative. The President left the distinct impression during his visit to Africa that the full $3 billion would be provided in 2004, despite the fact that the President only requested $2 billion in funding.

While our attention, and much of the media's, has appropriately focused on Iraq, we must not lose sight of the fact that HIV/AIDS is not only a humanitarian crisis but it is a grave threat to global stability. The African continent is being destroyed by this pandemic. Of the 42 million people infected with HIV, almost three-quarters live in Africa. Life expectancies in Africa are falling rapidly. In some countries, people are not expected to live past their 40s. By the year 2010, there will be 40 million AIDS orphans.

There are still many countries in Africa where condom distribution, access to HIV testing, treatment, and education programs are simply not available. More resources are necessary. And our capacity to plan and deliver programs can, and must, be expanded.

The global AIDS bill, recently passed by Congress, requires that our HIV programs begin a transition from awareness and comprehensive prevention to treatment and abstinence promotion programs. This will be an expensive undertaking, and it should not replace current efforts which emphasize a balanced approach to prevention and awareness. New efforts require new resources.

We have been heartened by recent breakthroughs in the availability of drugs to treat HIV. Countries such as Thailand, India, and China are moving aggressively to produce and distribute drugs to HIV-infected populations at affordable prices. However, those same drugs remain unavailable in most African countries. Similarly, there are many promising new forms of malaria treatment now being researched. New resources will speed up their availability and save lives.

The additional funds can be used next year to speed expansion of mother-to-child transmission programs, accelerate the creation of viable treatment programs, establish drug purchase and distribution programs, expand the President's initiative beyond the 14 countries currently identified, and expand prevention programs.

With respect to the Global Fund to fight HIV, the passage of this motion will help ensure the highest possible funding level. While the House bill has $400 million for the fund, the Senate bill has only $250 million. More for HIV means more for the fund.

This additional funding can be used wisely next year. It will make a real difference and save lives and it will demonstrate to the world that when the United States makes a promise, we keep it.

Mr. Speaker, I urge support of the motion to instruct.

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

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

Mr. Speaker, I think the motion of my friend and colleague, the gentlewoman from New York (Mrs. LOWEY), deserves a few comments from me here this morning. I also would like to see more resources applied to the HIV/AIDS pandemic, as well as the other diseases such as malaria and tuberculosis that are included in our infectious diseases account and in the Global Fund. I think all of us would like to see that happen.

I certainly voted for the $3 billion authorization that passed this House earlier. I also spoke during our debate on our bill and said that I believe the amount that we had in there was a reasonable amount of money, that could be expended during the course of the coming fiscal year. I still believe that to be the case. But if we can find ways to put this money into existing programs or other programs and make sure that it works given the constraints that we have, and I think we need to acknowledge the constraints that we have, for example, on the Global Fund of contributing no more than one-third of the total dollars that are made available to that fund, if we can do that, given the constraints that we have, then I am in favor of it. For that reason, I do not oppose this motion to instruct the conferees.

But whether or not the conference provides $1.426 billion, as passed by the House, or $1.726 billion as passed by the Senate, in other words a $300 million difference there, if it is something in between, depends in my view, on three factors:

The first is the allocation that the foreign operations conference will have under the Congressional Budget Resolution. The second, of course, will be the competing priorities that we have when we go to conference. There is going to be a priority of some for more money for maternal health. There is going to be a priority for more money for education. Some will argue for the creation of jobs in the United States through export promotion.

The third factor that I think will be critical in determining exactly how much we finally are able to allocate to fighting this HIV/AIDS pandemic is the funding that not only the Foreign Operations appropriation conference gets, but the Labor HHS appropriations conference. Because they also have money in there that goes to the Global Fund and to fight this disease. Each of them contain differing House and Senate levels for the Global Fund to Fight AIDS, TB, and malaria and for other bilateral programs.

So this is not as though we are operating entirely within the confines of the Foreign Operations bill, but rather we also have to know what is going to be done by our sister subcommittee that handles Labor and Health and Human Services.

Given those three factors, Mr. Speaker, I am hopeful, however, that we will be able to add to the amount of dollars that we have now allocated for HIV/AIDS. And I look forward to working with my colleague, the gentlewoman from New York (Mrs. LOWEY) and other members of the conference committee both from the House and Senate to resolve this issue in a way that will give us the maximum funds available to fight this pandemic, which is not only a moral issue for most of us here in the Congress, but I think also a matter of national security for the United States.

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

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

Mr. Speaker, I would like to say that I know of the chairman's real commitment to this issue and know that he understands the pain and suffering that is resulting from the lack of finances in providing the education, the prevention education, the drugs that are so necessary. And now that the cost of these drugs are so very reasonable, when you think about the choices we have either to increase the dollars and save lives or not increase the dollars and continue the terrible tragedy, and I know of the chairman's commitment to this issue, I would expect that there will be a commitment on the part of the chairman to work with the leadership in the House to find the additional funds, as we know they did in the Senate, without taking the funds away from other critical programs. I am pleased that the Senate has been able to locate these additional funds.

I look forward to working with the gentleman and finding these funds for this very vital cause.

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

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from New York (Mrs. LOWEY) for yielding me this time. I also want to commend the gentleman from Arizona (Chairman KOLBE) and the ranking member for the outstanding work that they have both done in shaping this legislation.

I rise in support of the Lowey motion to instruct conferees on the Foreign Ops appropriation bill to reflect the Senate version of assistance for the U.S. Agency for International Development, for child survival and disease programs for HIV/AIDS, polio, malaria, tuberculosis, and other infectious diseases, including family planning and reproductive health programs.

I commend the gentlewoman from New York (Mrs. LOWEY) for this motion because it reflects her keen insight and understanding and sensitivity to the health and medical needs of underdeveloped nations, especially in Africa.

Mr. Speaker, this motion is not a budget breaker. It is not a program alterer. It does not change any program, nor does it create any serious imbalances. It simply asks that the conferees support the other body's mark which is $1,726,000,000. It is not a lot of additional money between the two. But when we think of what a little bit of money can do in Africa, what it can do for individuals who are simply waiting to die, who have no hope, who have lost it all, given up, who have said that the only thing that they can do is wait and hope that something happens, well, this gives hope to those millions, this gives hope to those thousands, it is a very rational motion. I am pleased to support it.

Mr. Speaker, again, I commend both the gentleman from Arizona (Chairman KOLBE) and the gentlewoman from New York (Ranking Member LOWEY) for the outstanding work that they have done.

Mr. KOLBE. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield 4½ minutes to the distinguished gentlewoman from California (Ms. LEE) who has been a real leader on this issue and has certainly traveled to Africa over and over again to see the pain and suffering.

Ms. LEE. Mr. Speaker, let me just take a moment to thank the gentlewoman from New York (Mrs. LOWEY) for her tireless efforts on the Foreign Operations Appropriations subcommittee to secure more funding for our global AIDS, tuberculosis, and malaria programs. She has been consistent and has really helped put the appropriations funding process in perspective. So I just want to commend and thank the gentlewoman from New York (Mrs. LOWEY) for her leadership.

Mr. Speaker, I rise today to join all of our colleagues by supporting this motion to instruct conferees to accept the Senate's level of funding for our global AIDS, TB, and malaria programs in the fiscal year 2004 Foreign Operations Appropriations bill.

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Mr. Speaker, AIDS, TB and malaria have quite simply ravaged Africa and the developing world. Every year over 6 million people worldwide die needlessly, sometimes of all three of these diseases. Six million people. Can you imagine. Just think for a minute. Six million people. Six million. That is roughly equivalent to losing the entire State of Indiana, Massachusetts, or Washington every single year.

Now, the vast majority of these deaths could be prevented for just over $300 a year, a price that is really continuing to drop. HIV/AIDS patients who are really on the brink of death can be revived with lifesaving antiretroviral therapies. For just $10 an entire course of DOTS treatment, TB-infected patients, who are often co-infected with AIDS, can be cured. For just 2 to $3 we can provide individuals with an insecticide-treated bed net to kill mosquitos and reduce malaria infections.

That is not a lot of money to save so many millions of lives, Mr. Speaker. These are not complicated interventions. Success stories like the clinic run by Dr. Paul Farmer in Haiti have proven that members of the community can be trained in a single week to monitor and provide effective drug treatments with a minimal level of supervision while ensuring maximum adherence of patients to an often-strict drug regime.

Programs like these must be strengthened and accelerated. With the help of the Global Fund to fight TB, AIDS, and malaria and the World Health Organization's new three by five AIDS initiatives, the capacity to scale up such programs will be greatly improved. Contrary to what many say and believe, the capacity is there to provide the care and treatment and prevention. These NGOs and these faith-based organizations, they only need the resources to do that. So that is where we must come in.

By agreeing to this motion to instruct the conferees, we can expand upon the initiatives of the Global Fund and WHO while also strengthening our own bilateral AIDS program.

This is very necessary, this motion. Last week the other body added the $289 million for the Global AIDS Fund via the defense budget authority, I believe, the budget authority offsets to their version of the foreign ops appropriations bill.

I want to be clear, though. This motion should not infringe on the $400 million that the House has already endorsed for the Global Fund this year. While I urge my colleagues to accept this motion, I must again voice my discontent that we are still not at the $3 billion which we authorized.

Secretary of State Colin Powell, I want to remind us all that he has said time and time again that the global AIDS pandemic is far more deadly and insidious than any form of terrorism. So by failing to treat it as such, we devalue the lives of those who are already suffering and dying. And by delaying the full funding of this initiative now, we only make the task more difficult later on.

Mr. Speaker, I want to thank the gentlewoman from New York (Mrs. LOWEY) for her leadership and for making sure that this body moves forward in addressing this pandemic in the way that we should.

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

Mrs. LOWEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a distinguished member of the Subcommittee on Foreign Operations, Export Financing, and Related Programs of the Committee on Appropriations, and a strong leader on this very issue.

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman from Arizona (Mr. KOLBE) for his leadership. I enjoy working with him and the things we do together.

To my ranking member, the gentlewoman from New York (Mrs. LOWEY), who continues to be a bright spot as we help and serve countries all over this world, I thank her for her leadership, generally and particularly on the HIV/AIDS issue.

Mr. Speaker, I rise to support the motion to instruct and ask that this body also support the motion to instruct. The pandemic that we see all over the world, HIV and AIDS, is serious trouble. That is what a pandemic is.

It started in the continent of Africa, moving to Asia, to India, to the former Soviet Union and other places of the world. This is truly a pandemic that can be contained, not cured, but can be contained with the proper resources.

As has been mentioned before, HIV/AIDS, TB, and malaria are illnesses and diseases that, if contained properly with education of those who are infected and in those regions of the world, we can cease the pandemic and begin to address the problems that we now face.

The motion to instruct provides the resources that our country can give to those countries who find themselves in assault. We must do no less than to support the motion to instruct.

We know how to contain this. We know where it is in pandemic proportions. When the resources are available in our world community, in our world global AIDS effort, we will find more children more healthy in their communities, in their families, in their countries. The troops that we send out across this world in these various places where the pandemic is, we then have resources to address that so that they do not then encounter these very same illnesses.

The nongovernmental organizations, the NGOs that practice and actually teach and educate, and in some instances actually treat and provide the services, are there, are up and ready and can dispense the money that we have available.

The faith-based network that is around this world, they give resources, training, education, as well as treatment. So I support the gentlewoman from New York (Mrs. LOWEY) in her effort. It is important that we go along with the Senate. And this motion to instruct is a small step towards the $3 billion and the $15 billion commitment that this President made for a 3-year commitment.

I hope that we will support the motion to instruct. It is the right way, and again, less than the President has advised he would do but better than what we have right now. I urge Members to support the motion to instruct.

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

Mrs. LOWEY. Mr. Speaker, I have no further speakers, and I reserve the balance of my time to close.

The SPEAKER pro tempore (Mr. BASS). The gentlewoman from New York (Mrs. LOWEY) has the right to close.

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

Mr. Speaker, let me say that I appreciate the comments we have heard here today. The expression of concern about the HIV/AIDS pandemic is one that I share and I think all Members of the House share.

I would just note that we are concerned not only about this HIV/AIDS pandemic which is already ravaging the continent of Africa, but we are very concerned about the growing scourge in South Asia, in India, in Central Asia, and in China and in Russia. These are countries where the epidemic is just beginning to take off.

We have an opportunity to do something there about preventing it from becoming that much worse. So I would hope that as we go through with the efforts to fight this disease that we focus not just on where it is already taking such a heavy toll but in preventing it from taking a very heavy toll in other places.

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

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

Mr. Speaker, I would like to again express my appreciation for the support of the chairman for the dollars that were appropriated in the Senate side. However, I have heard rumors which I strongly oppose that there are those who are talking about an across-the-board cut. As we know, there are many possibilities for adjustments in the 302(b); and I would hope that we can work together with the leadership in both Houses in making the adjustment of the 302(b) and add the additional dollars that have been included in the Senate bill.

We know that given the incredible progress that is made, we know that when we can save lives for $300 a year that we have a moral obligation to do as much as we can within the confines of what is possible; and I look forward to working closely with the gentleman in finding these additional dollars, adjusting the 302(b), and appropriating in conference the dollar amount that has already been appropriate in the Senate. I thank the chairman for his acceptance of this motion to instruct.

Mr. HOYER. Mr. Speaker, I rise in support of the motion offered by Mrs. LOWEY to accept the Senate's level of funding for the U.S. contribution in fiscal year 2004 to global programs to combat the spread of HIV/AIDS.

Mr. Speaker, this should not be a difficult motion for Members on either side of the aisle to support.

It simply calls for the adoption of a funding level for HIV/AIDS programs that was supported in the Senate last week by a vote of 89–1.

Furthermore, it does not even reach the authorized level of funding that was signed into law by the President and supported by 375 Members of this House in May.

In fact, the President during his State of the Union Address committed $15 billion in foreign assistance spending over 5 years to stop the spread of HIV/AIDS. Congress has since authorized this level through the enactment of H.R. 1298.

Regrettably, the President's budget did not call for the full $3 billion authorized for FY 2004, and the amount provided in the House version of the fiscal year 2004 Foreign Operations bill falls woefully short of that $3 billion which is necessary to begin making good on our commitment.

Mr. Speaker, the problem of HIV/AIDS is especially acute on the Continent of Africa, particularly sub-Saharan Africa, where 29.4 million people are living with HIV and AIDS.

Put another way, while the African Continent accounts for only about 10 percent of the world's population, more than 70 percent of the worldwide total of infected people reside there; and there are 11,000 new infections in Africa every day.

Earlier this year I had the opportunity to travel to South Africa and saw first hand the extent of the pandemic, the challenges facing African countries as they attempt to deal with this scourge, and the dire need for economic assistance to implement prevention programs and to provide treatment for those already infected.

We are at a crucial stage in the global war against HIV/AIDS, with the number of worldwide deaths expected to double from last year's estimate of just over 5 million to nearly 12 million next year.

To those who would argue that we cannot afford the additional funding provided in the Senate bill, I say that even this level is still not enough.

Mr. Speaker, we have the opportunity to help stop the spread of this HIV/AIDS, to provide comfort and relief to those already suffering its effects, and to give hope to millions around the world who live in despair because of this horrible disease.

Our compassion and morality command that we seize that opportunity and live up to the commitment we have made.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from New York (Mrs. LOWEY).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. KOLBE, KNOLLENBERG, LEWIS of California, WICKER, BONILLA, VITTER, KIRK, CRENSHAW, YOUNG of Florida, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. ROTHMAN, Ms. KAPTUR and Mr. OBEY.

There was no objection.

MILITARY FAMILY TAX RELIEF ACT OF 2003

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3365) 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.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Military Family Tax Relief Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title, etc.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.

Sec. 102. Treatment of death gratuities payable with respect to deceased members of the Armed Forces.

Sec. 103. Exclusion for amounts received under Department of Defense homeowners assistance program.

Sec. 104. Expansion of combat zone filing rules to contingency operations.

Sec. 105. Modification of membership requirement for exemption from tax for certain veterans' organizations.

Sec. 106. Clarification of the treatment of certain dependent care assistance programs.

Sec. 107. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc. on account of attendance at military academy.

Sec. 108. Suspension of tax-exempt status of terrorist organizations.

Sec. 109. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.

Sec. 110. Tax relief and assistance for families of Space Shuttle Columbia heroes.

TITLE II—REVENUE PROVISION

Sec. 201. Extension of customs user fees.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 101. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of

the uniformed services or of the Foreign Service of the United States.

''(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

''(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(D) SPECIAL RULES RELATING TO ELECTION.—

''(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

''(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 102. TREATMENT OF DEATH GRATUITIES PAYABLE WITH RESPECT TO DECEASED MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN AMOUNT OF DEATH GRATUITY.—

(1) IN GENERAL.—Section 1478(a) of title 10, United States Code, is amended by striking ''$6,000'' and inserting ''$12,000''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as of September 11, 2001, and shall apply with respect to deaths occurring on or after that date.

(b) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to deaths occurring after September 10, 2001.

SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting '', or'', and by adding at the end the following new paragraph:

''(8) qualified military base realignment and closure fringe.''.

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

''(2) LIMITATION.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting '', or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law'' after ''section 112'',

(2) by inserting in the first sentence ''or at any time during the period of such contingency operation'' after ''for purposes of such section'',

(3) by inserting ''or operation'' after ''such an area'', and

(4) by inserting ''or operation'' after ''such area''.

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting ''or contingency operation'' after ''area''.

*(2) The heading for section 7508 is amended by inserting ''**OR CONTINGENCY OPERATION**'' after ''**COMBAT ZONE**''.*

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting ''or contingency operation'' after ''combat zone''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 105. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking ''or widowers'' and inserting '', widowers, ancestors, or lineal descendants''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 106. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A), as amended by section 102, is amended by inserting ''and paragraph (4)'' after ''subparagraphs (B) and (C)''.

(2) Section 3121(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(3) Section 3306(b)(13) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(4) Section 3401(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

SEC. 107. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking ''or'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 108. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United

Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 109. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 110. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.

(a) INCOME TAX RELIEF.—

(1) IN GENERAL.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

''(5) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) is amended by inserting '', astronauts,'' after ''Forces''.

(B) Section 6013(f)(2)(B) is amended by inserting '', astronauts,'' after ''Forces''.

(3) CLERICAL AMENDMENTS.—

*(A) The heading of section 692 is amended by inserting **'', ASTRONAUTS,''** after **''FORCES''**.*

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting '', astronauts,'' after ''Forces''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

''(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 is amended by inserting ''OR ASTRONAUTS'' after ''VICTIMS''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Section 2201(b) (defining qualified decedent) is amended by striking ''and'' at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENTS.—

*(A) The heading of section 2201 is amended by inserting **'', DEATHS OF ASTRONAUTS,''** after **''FORCES''**.*

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting '', deaths of astronauts,'' after ''Forces''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

TITLE II—REVENUE PROVISION

SEC. 201. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking ''March 31, 2004'' and inserting ''March 1, 2005''.

Amend the title so as to read: ''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, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from New York (Mr. MCNULTY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to stand before the House today in support of the Military Family Tax Relief Act.

I want to start out today by saying how extremely proud I am of the men and women who serve in our military. No matter where I go, I have absolute rapt attention from everyone when I talk about the members of our Armed Forces. I hope our troops know that. All across the Nation, citizens are proud of the work our troops do and Americans are grateful for the sacrifices that they and their families make for the defense of our Nation.

This bill doubles the military death benefit gratuity to $12,000 and excludes from taxation that whole amount. Just last week we passed this concept for the third time. This will be the last time this Congress will need to vote on this bill because this version has been approved by our colleagues on the Senate side of the Capitol, and we will be passing the exact bill so that President Bush can sign it into law.

This bill is also retroactive to September 11, 2001, so that all of our men and women who have died in service of their country since that day will receive this benefit. This is what a grateful country does for the families of those servicemembers. I am proud that we will be fixing the problem of having

a knock at the door by the military chaplain which will no longer be followed by a knock at the door from the tax man. This bill does that and more.

It will also make taxes a smaller problem for active military and reserves. The Military Families Tax Relief Act provides reasonable accommodations to members of the military so that they too can benefit from the current $500,000 exclusion from capital gains on the sale of a home. To get this exclusion, a family must live in a home for at least 2 of the previous 5 years. This is generally a reasonable requirement, but for those serving in the military such a requirement is out of their control when orders ship them to any of the four corners of the Earth.

As a 29-year veteran of the Air Force, my wife and I moved many times. In the last 7 years we had seven different moves. So I know firsthand about being transferred. And sometimes you live in base housing, and sometimes you live in your own home.

□ 1200

It was a part of the job then and it still is today, and I think it is a reasonable accommodation for the tax code to hold them harmless for those times when they are not living in their homes. As long as the servicemember or his or her family have lived in the home for 2 years, the tax code will hold them harmless for years away from home at distant postings. Servicemembers are not going to be able to become real estate moguls by buying properties all over the country and getting this treatment for each. Only one property at a time is eligible for this exclusion.

I am glad to report that another provision I have been working on has also been included. It will permit students at our Nation's military academies to be treated as being on scholarship for purposes of Section 529 education savings accounts. It is only the United States military academy students who are not eligible for this benefit. Serving this country is a noble profession. Congress will now encourage, not discourage, young people to join our Armed Forces, especially today.

I think when hardworking, patriotic young Americans are rewarded with an appointment to a service academy we should not turn around and impose a 10 percent penalty on their parents who saved for their children's education. We should provide the same penalty-free withdrawals for the plebe, the middy and the cadet as we provide for those who play sports, earn an academic scholarship or pay for school through ROTC.

This is a great bill. It is long overdue. It has been a long time since 9/11, and we are trying to take care of our military, and this is retroactive back to that point.

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

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

I am pleased to be back on the floor this week to discuss an expanded version of the bill that we talked about last week. I am thankful to the gentleman from New York (Mr. RANGEL) for again designating me to manage the bill on the Democratic side, and it is always a great honor to be on the floor with a true American hero like the gentleman from Texas (Mr. SAM JOHNSON).

Last week when we discussed this bill, we were talking about how it was so inadequate compared to the tremendous sacrifices made by the men and women in uniform serving our country. So I am very happy to be discussing a bill which is expanded in its scope, and will, in addition to the initial provisions, provide a number of new elements of tax relief for the men and women of our Armed Forces. These include: special rules for the sale of a principal residence, tax-free assistance payments for dependent care and homeownership, liberalized tax return filing requirements, and deductions for overnight travel expenses of the National Guard and Reserve. There is also a provision in The Bill to provide tax relief for the families of our shuttle *Columbia* heroes.

So I would again state to my colleague from Texas and to the Speaker and all of the Members that I still think, even with its additions, it is a very, very modest bill for the members of our Armed Forces. I thank our colleagues for their unanimous support last week, and I hope they give us that same support today.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve my time.

Mr. MCNULTY. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a member of the committee.

Mr. CARDIN. Mr. Speaker, let me thank my friend from New York for yielding me this time and also thank my friend from Texas for his service to our country and for this bill coming before us.

This is an important bill. It contains many provisions that will be important for the people who are affected by the changes that are made, our military families that have served our Nation so well. They deserve the consideration of this legislation, and I encourage my colleagues to support it.

As the gentleman from Texas (Mr. SAM JOHNSON) pointed out, this is either the fourth or fifth time that we have been taking this bill up in this body, and at last, it looks like we are going to be able to get this bill to the President for signature, and I think that is good news for military families.

I think we should learn the lesson, though, that the other body put in offsets, revenue offsets, so that there will be no net impact on the deficit as a result of passage of this legislation. That is as a result of adding Customs fees, user fees to the legislation. That is a good thing to do. We have a large deficit. We should try to pay for what we do here, and I am encouraged about what we have done on this legislation. And I hope we will use it as an example for other legislation that has come out of the committee I serve on, but is not paid for. And I expect it is going to have a much more difficult time in the other body, until we also figure out a way to find offsets for tax changes that we bring forward.

As I pointed out, Mr. Speaker, this is a bill that contains many important provisions for the military families that will be affected by it. We have mentioned the death benefit. Obviously, this is the least that we can do.

We mentioned some of the tax impacts of certain benefits that are changed by this. The home sale tax relief, that is very important for military families that are often called upon to sell their homes, to make it a little bit easier for them to handle the tax consequences of a move.

The overnight expenses for our National Guard and Reservists, above-the-line deduction of $500. It is a modest amount, but I think it recognizes the fact that our National Guard and Reservists are a very important part of our national defense and homeland security needs. That became particularly apparent in our current efforts on fighting terrorism in Iraq. We have called upon our Reservists. We have called upon our National Guard. We should recognize the fact that they have additional expenses that should be treated fairly in our tax code, and I hope as my friend, the gentleman from New York (Mr. MCNULTY) pointed out, I hope the provisions in this bill are a starting point, not an ending point for dealing with these tax issues. So we can try to provide some appropriate relief to our military families.

Let me last mention the point that the gentleman from Texas (Mr. SAM JOHNSON) raised about those in our military academies that have been discriminated against under Section 529, the educational savings accounts. I am glad that we finally are able to correct that error in the law. I have the honor of representing the jurisdiction that includes the United States Naval Academy, and we have been contacted by families that felt that was terribly unfair, and they were right. Now, we have listened to them, and we have corrected that. It is another reason why I hope that we will unanimously support this very important legislation.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate the gentleman from Maryland's (Mr. CARDIN) remarks. I yield such time as he may consume to the gentleman from New York (Mr. HOUGHTON), our distinguished subcommittee chairman on the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman very much for those kind words. I will not take a lot of time because so much has been said, and much of it is felt even though the

words have not been there, but it is clear when I stand up here, I am going to support this bill, and I encourage everyone else who knows anything about the issues here to support it.

We started this bill back in July of last year, and it has finally come to the finish line after many trips back and forth between here and the Senate. What the bill does is, as I am sure as has already been spoken, provides a number of tax benefits for the active military, as well as the Reservists. Also, we made modest improvements to help the families of the members of the military who have given the supreme sacrifice.

I am not going to go into the details, Mr. Speaker, of this bill. We have discussed these over the past year. We have discussed them ad infinitum. So those are really behind us, and furthermore, the most important thing is the bill is paid for.

I was in Iraq several weeks ago, and it was an impressive time for a variety of reasons, not the least of which is the fact that I met people from not only my own district but from other districts, and with all the problem of the greed and the discussion about the economic system here, here these people are laying their lives on the line, they are getting underpaid, they are tired, they go out in this absolutely crushing heat. The only thing they asked of us when we were there was are you with us, are you supportive of us, and this is one small thing I can do to say, yes, we are.

Mr. MCNULTY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a friend who was an author of one of the original bills to increase the tax free benefits for service personnel.

Mr. MCGOVERN. Mr. Speaker, I thank my colleague from New York (Mr. MCNULTY) for yielding me the time and for all of his great leadership on this and so many other issues that impact military families.

I also want to pay my respects and acknowledge the great leadership of the gentleman from Texas (Mr. SAM JOHNSON) for all he has done.

Mr. Speaker, I rise in strong support of H.R. 3365. Among other things, this legislation, as has been mentioned, includes several provisions that my colleague from Arizona (Mr. RENZI) and I have been working on for some time. This bill doubles the military death gratuity from $6,000 to $12,000, makes it tax exempt, and makes those changes are retroactive to September 11, 2001. Currently, the gratuity is $6,000, of which about $3,000 is subject to Federal taxes.

The death gratuity is a lump-sum payment to the surviving spouse of a military servicemember killed in the line of duty or to the children of the servicemember in equal shares if there is no spouse. The purpose of the benefit is to provide cash quickly to the survivors in order to help them meet immediate needs.

Mr. Speaker, I am also pleased that this bill contains a number of other provisions that were part of the Armed Forces Tax Fairness Act which will benefit the brave men and women serving our Nation overseas. As we have seen just this week, the loss of life continues for our men and women in uniform serving in Iraq and Afghanistan.

All of us are united in expressing our condolences for the families left behind. We are also united in wanting to ensure that the surviving families' most pressing needs are met. This bill takes a small but important step in that direction, and it is the right thing to do.

Mr. Speaker, I want to commend the tireless work of the gentleman from Texas (Mr. EDWARDS), who has been an incredible leader on this whole issue, as well as the gentleman from North Carolina (Mr. JONES). They were pioneers on this issue and so many other benefits that are important to our military and their families.

I also want to acknowledge the gentleman from Missouri (Mr. SKELTON), my good friend and colleague, the ranking member of the House Committee on Armed Services, for ensuring that language to increase the death gratuity and make it retroactive to September 11, 2001 would be included in the Defense authorization conference report.

Mr. Speaker, as has been said, this bill contains other benefits for our uniformed men and women, and while I believe we need to do much, much more in order for the actions of this House to meet up with its rhetoric, nonetheless these are important steps in the right direction. They are a symbol that we respect the men and women who serve our country and who serve in our military.

Mr. Speaker, this bill is long, long, long overdue, and I am pleased that both the House and the Senate have come together to send this legislation to the President's desk. I urge my colleagues to vote yes on H.R. 3365, and I call upon President Bush to sign it quickly.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. RENZI) who is an author of some of this bill.

Mr. RENZI. Mr. Speaker, I want to begin by thanking those people who have worked across party lines to help bring together this substantial piece of legislation and the many elements that make it up. A good deal of thanks goes to the gentleman from Texas (Mr. DELAY) for helping us to move through the logjam.

The gentleman from North Carolina (Mr. JONES), one of the innovators, as well as the gentleman from Massachusetts (Mr. MCGOVERN), and in the final days, the gentleman from California (Mr. THOMAS) of the Committee on Ways and Means all deserve an immense amount of credit, as well as our great leader here, the gentleman from Texas (Mr. SAM JOHNSON).

I want to focus on a couple of elements of the bill that I think need to be communicated. First of all, to our soldiers in Afghanistan and Bosnia, to our soldiers out there in Iraq, on the tip of the spear, defending our sacred liberties and freedoms, when they do come home, we want them to know that we worked on a bipartisan basis to provide them with tax relief and an increase in benefits.

I had the duty to go up and see Lori Piestewa's family up on the Hopi reservation when we lost the first Native American woman in battle in Iraq, and we had a discussion of the benefits that came to that family. She left behind two children, a boy and a girl, and the Hopi reservation is a tough place. Poverty is immense. The housing conditions there are tough, and Lori's children are going to be okay. They are left with a beautiful grandmother in Perci Piestewa, but to think we were going to provide a $6,000 death gratuity benefit and come back in and tax it on the initial $3,000 was unconscionable.

That began the initiative with the gentleman from North Carolina (Mr. JONES) that allows us to look at some of the key legislation that many of our friends across both aisles have offered for so long.

I would also like to point out to the American people that part of this tax package and benefit includes the ability to now shut down the nonprofit organizations that were developed by the al Qaeda network, those Wahabists, those extreme fundamental Islamic organizations that existed in the United States that were set up in order for high-wealth sheiks to donate money into, those organizations that were set up in order to be a channel for illegal contributions that were gained through the sale of stolen goods both in America and in South America.

□ 1215

When the terrorist organizations are now identified, this bill allows us to go in and shut down those nonprofit organizations so terrorist organizations do not continue to get tax breaks while our military families do not. This provides the ability and the tools for the Department of Justice to go in there and shut those organizations down.

Finally, let me speak to the fact that the veterans service organizations who have carried the mantle and the banner for so long on behalf of our veterans also benefit from this bill. As a member of the Committee on Veterans' Affairs on the Republican side, we have worked with many of our colleagues on the Democratic side to come up with language that allows an expansion of linear dependence to be included toward the classification of that nonprofit organization. At a time when we are losing 1,400 to 1,500 of our greatest veterans from World War II, this allows the ability for their sons and daughters of the American Legion, for delinear descendants to be included and counted as members within the organization so

those VSOs can have a future and a legacy that has been fought for by their fathers and mothers.

In closing, Mr. Speaker, I want to again emphasize that the military men and women overseas deserve this bill. The time has come for us to put aside any partisan politics, any type of logjam from the past; and I urge my colleagues to pass this Fallen Patriots Act today.

Mr. MCNULTY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I have the privilege of representing over 42,000 Army soldiers at Fort Hood, Texas. At present, 17,000 of those soldiers are fighting for our country in Iraq and risking their lives. By the end of next year, over 30,000 of my constituents will have served in Iraq.

There is no way our Nation or this Congress can repay its debt of gratitude to those troops, to all of our servicemen and -women, any more than we can repay our debt of gratitude to our friend and colleague, the gentleman from Texas (Mr. SAM JOHNSON), for his service and sacrifice to our country during time of war. But this is a good and significant downpayment on that debt of; gratitude, and I commend those who have worked on a bipartisan basis to pass it, the gentleman from Texas (Mr. SAM JOHNSON), the gentleman from New York (Mr. MCNULTY), the gentleman from Arizona (Mr. RENZI), and the gentleman from Massachusetts (Mr. MCGOVERN), who have fought for this issue, improvements in death gratuity payments, for so very long.

I think the question I would like to raise in a few moments is not why is this good bill passing today, but why did it take so much effort and time to pass it over the past year. This bill, these benefits to our servicemen and -women, could have passed and should have passed 7 months ago. The House passed the bill unanimously in March. Seven days later, on March 27 to be exact, the Senate passed the bill. It came back. Unfortunately, the House leadership chose to sit on the bill for 7 months, apparently because the bill was being paid for by closing the tax loophole for Benedict Arnolds who turn their backs on our country and renounce their citizenship to keep from paying American taxes.

Despite the good news of this bill today, I have continuing concerns that our veterans and servicemen and -women seem to have to work so hard and to beg for very meager benefits, even those in this bill. Why did it take the Military Officers Association running a radio ad over the last several weeks to get the attention of the House leadership on this bill? Why did it take a press conference with me and others, many veterans groups and military family groups, several weeks ago to get the attention of the House leadership to bring this bill forward?

A Congress that passed quickly this year a $230,000 tax break for wealthy Americans making $1 million a year in dividend income, a Congress which can do that should have been able to pass this bill months ago.

Mr. Speaker, it is of concern to me that we continue to have a disabled veterans tax, to actually, in effect, tax disabled veterans for their disabilities by reducing their military retirement income. We continue to underfund VA health care.

I hope today is not considered a final payment, but a first payment on our debt of gratitude to our servicemen and -women. With the leadership on both sides of the aisle who played such a key role in this bill, I am confident that it will be. But I am going to continue to raise concerns in this House when our veterans have to beg for a $1 billion benefit over 12 years, or 10 years, whereas the Committee on Ways and Means can pass out a $60 billion corporate tax break just last week and dividend tax cuts that help our wealthiest Americans.

We need to make our servicemen and -women and their families and America's veterans a first priority, not an afterthought. I salute the gentleman from Texas (Mr. SAM JOHNSON), the gentleman from Arizona (Mr. RENZI), and the gentleman from New York (Mr. MCNULTY) for this positive step forward. Let it be the first of many other steps forward in honoring our servicemen and -women and veterans with our words and our deeds.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just make one comment to clear the record. The House did not sit on this bill, as was stated by the previous speaker. I think the gentleman failed to realize the Senate sent that first bill back July 2002. Since that time, the House has passed bill after bill after bill. It was passed three times this year, on April 9, June 12, and October 29. Then again this month we passed this bill, and the last one was totally clean.

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

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, I think it is important to keep the record straight. I believe the record will show that the House passed H.R. 1307, the Armed Forces Tax Fairness Act, on March 20. The Senate passed it on March 27, and since that time period the bill has been sitting in the House. The House leadership could have brought that bill to the floor of the House for a vote literally months ago. We would need to accept the one major Senate amendment in that bill which said we ought to pay for tax benefits for our service men and women and their families by closing the loopholes on Benedict Arnolds who turn their backs on America and renounce their citizenship to keep from paying taxes.

I think there was a delay on this bill, but my main focus today is to say thank you to the gentleman for his leadership in getting it to the floor today and on to the President for his signature. And let us work together better in the future to see that our veterans and service men and women do not have to work so hard and beg to get even meager benefits. And I know the gentleman with his distinguished career of service to our country would not disagree with that.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I do not disagree with that, and I think we are in accord on both sides of the aisle today. It is wonderful that we can support our troops in a bipartisan manner.

Mr. EDWARDS. Mr. Speaker, I thank the gentleman from Texas for his leadership.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, in closing, I am going to repeat what I said last week: we need to keep our priorities straight. Part of that, for me, is to remember that had it not been for all of the men and women who wore the uniform of the United States military through the years, the rest of us would not have the privilege of going around bragging—as I often do—about how we live in the freest and most open democracy on the face of the Earth. Freedom is not free. We have paid a tremendous price for it.

I try not to let even a single day go by without remembering with deepest gratitude all of those who, like my own brother, Bill McNulty, made the supreme sacrifice, and like those 16 young Americans who died in that helicopter incident just a few days ago. We should also remember the veterans who came back home, like the one who is managing this bill, a true American hero who was a prisoner of war for 7 years, who endured torture on our behalf, and then came home and continues to render outstanding service to his community, his State and his Nation.

Mr. Speaker, these are the things that I am most grateful for today. All of those Americans who served before us, and people like the gentleman from Texas (Mr. SAM JOHNSON), have been, are, and will continue to be the reasons why when I get up in the morning the first two things I do are to thank God for my life and veterans for my way of life.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the comments of the gentleman from New York (Mr. MCNULTY). I agree with the gentleman; what he says is true. I remember an inscription on the wall that we left over there which I think says it all: Freedom has a taste to those who fight and almost die that the protected will never know. That is what this Nation is all about, freedom. And, man, I

will tell you, America is great. This is for our service men and women that we pass this in a bipartisan way.

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

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3365.

The question was taken.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the Senate amendments to H.R. 3365.

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

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2559, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 429 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 429

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, 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.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

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

The rule waives all points of order against the conference report to accompany H.R. 2559, Military Construction Appropriations Act for Fiscal Year 2004, and against its consideration. The rule provides that the conference report shall be considered as read.

This conference report provides funds for all types of construction projects on military installations here in the U.S. and abroad. The projects range from barracks and housing to training ranges and runways.

Mr. Speaker, we are asking a lot of our military today, and our military personnel on active duty know they will be deployed overseas and perhaps on dangerous missions. So we want to provide them a quality of life for themselves and for their families that will allow them to serve, knowing their families will be taken care of with good health care and good housing.

□ 1230

We must honor the most basic commitments we have made to the men and women of our Armed Services. We must ensure a reasonable quality of life to recruit and retain the best and the brightest to America's fighting forces. Most importantly, we must do all in our power to ensure a strong, able, dedicated American military so that this Nation will be ever vigilant and ever prepared.

I would like to take a moment to highlight some of the key areas of the bill. First, $1.2 billion is provided for troop barracks. This is a $58 million increase from last year's level. This sends a positive message to our unaccompanied personnel stationed all around the world that their quality of life is a priority. It also provides $2.7 billion to operate and maintain existing housing units and $1.1 billion for new housing units. Military families also have a tremendous need for quality child care, especially single parents and families in which one or both parents may face lengthy deployments. To help meet this need, the bill provides $16.5 million for child development centers.

In conclusion, we have focused our efforts on programs that directly support the men and women in our Armed Forces. We would like to do more, of course. We always have and we will always try to do that. The bottom line is this: With this conference report, we meet the military's critical infrastructure needs and their efforts to improve the quality of life for our men and women in the Armed Forces.

To that end, I urge my colleagues to support the rule and support the conference report.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I would like to express my appreciation for the bipartisan work of the conferees, and especially for the leadership of Chairman KNOLLENBERG and ranking member EDWARDS, whose long service to meeting the needs of our uniformed men and women is well known to all the Members of this House.

Mr. Speaker, in June when the House passed its version of H.R. 2559, it was $41 million less than the President's request and was a $1.5 billion cut from fiscal year 2003 funding levels. The conference report, while an improvement somewhat over the House-passed bill, is still defective. While it is $199 million more than the amount requested by President Bush, it still reduces funding overall for military construction by $1.38 billion from the fiscal year 2003 levels. Mr. Speaker, we simply cannot continue selling our military men and women short.

We have all seen the pictures from Fort Stewart in Georgia where our Guard and Reserves, returning wounded and sick from Iraq, are warehoused in the most miserable conditions. How can we stand on the floor of this House day after day, week after week declaring how much we support our military men and women when the funding providing for family housing in this conference report is over $400 million less than last year? That total is even worse than what it was in the original House-passed bill. How can we stand on the floor of the House day after day and week after week and say that we are engaged in a long-term struggle against a global enemy and then cut military construction funds by $600 million from last year's level?

Mr. Speaker, poor facility conditions are not only unsafe, they hamper readiness, contribute to low morale and decrease troop retention. According to the Pentagon, 180,000 of the 300,000 units of military housing are substandard. Sixty-eight percent of our military facilities have deficiencies so serious that they might impede mission readiness, or they are so deteriorated that they cannot support mission requirements. The current reductions in funding for construction in these facility categories means that the rate at which buildings are renovated or replaced has increased from 83 years to 150 years.

Mr. Speaker, I said it in June, and I am going to say it again. This is a national scandal. I keep hearing that since the events of September 11, we live in a changed world. I keep hearing how much we appreciate our Armed Forces, how much we appreciate their sacrifice and their service. Then why do we keep cutting and cutting and cutting the military construction appropriations bill? If we truly appreciate our military men and women, should we not give them and their families decent housing? I keep being told, just wait for next year and the funding will get better. Only it never gets any better. It just keeps getting worse. ''Next year'' should be now.

This conference report, while a small improvement overall from the House-passed bill, continues to be, in the

words of Chairman KNOLLENBERG, woefully inadequate. This is what happens when our priorities are wrong. This is what happens when we deny our Nation the most basic revenue needed to adequately fund our national priorities. We rob our valiant military personnel of decent homes and facilities. We rob our veterans of their basic benefits. We cut back funding for schools and child care for military families, and we are faced with passing a bill like this.

I call upon the President to include in his fiscal year 2005 budget request a budget figure that genuinely begins to meet the military construction and family housing needs of our Armed Forces. Mr. Speaker, I regret that this is the best that this Congress can do for our military and their families.

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

Mrs. MYRICK. 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.

PROVIDING FOR CONSIDERATION OF H.R. 1829, FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 428 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 428

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1829) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. QUINN). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

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

Mr. Speaker, yesterday the Committee on Rules met and granted an open rule for H.R. 1829, the Federal Prison Industries Competition in Contracting Act. Coming from a district that is facing many challenges in the manufacturing sector, I am very pleased to see this bill on the floor today. Federal Prison Industries, FPI, is a depression-era Federal agency that has a special status in the Federal procurement process that forces government agencies to buy from FPI without competition. Over 300 products and services are produced by Federal prisoners that totaled nearly $680 million in sales to the Federal Government in 2002. Federal agencies are forced to buy these products and services from FPI even though the private sector has proven they can better address the needs of Federal agencies by providing higher quality products, cheaper and faster. I understand that there is concern about prisoners having jobs, et cetera. I have no problem with that. I have always supported that. But we are living in an era where the Federal Government needs to also save as much money as possible when we are looking at procurement, and this is an area we can do that.

This will simply allow the private sector to compete for contracts that are paid for with their own tax dollars. The bill will end the monopoly that FPI holds over all government purchases, including office furniture and textiles. In my own district in North Carolina, I hear from many small business owners who are growing increasingly frustrated with the ongoing challenges of dealing with government procurement when FPI is involved. If this monopoly was ended, these companies could compete on a level playing field. That is all we have ever asked for, is just a level playing field to provide the government with their products. This bill would help stop the bleeding of jobs from the textile and furniture industries. H.R. 1829 will provide protections for businesses of all sizes, and also the hardworking, law-abiding workers they employ, from FPI's unfair practice.

As a cosponsor of this bill, I would like to commend the gentleman from Michigan (Mr. HOEKSTRA) for sponsoring this fine piece of legislation. As many of you know, this legislation enjoys broad support from a somewhat unusual coalition, including majority and minority leadership, conservatives and liberals, and business and labor groups. To that end, I look forward to a fair, open, and thorough debate on this bill. It is a good bill. I urge my colleagues to support this rule and the underlying legislation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to H.R. 1829, the Federal Prison Industries Competition in Contracting Act of 2003. In 1934, Congress established Federal Prison Industries, a government corporation that employs inmates in Federal prisons to produce goods and services for the Federal Government. FPI employs 21,000 inmates in 111 prison factories to manufacture a number of products for the government. Prisoners manufacture such items as clothing, textiles, electronics, fleet management and vehicular components, graphics and industrial products. In return for cheap labor, inmates receive valuable job training opportunities that teach them the necessary skills that may help them become productive, hardworking citizens once they reenter society.

Under current Federal law, FPI is a mandatory source of goods and services for Federal agencies. That means, Mr. Speaker, that any agency that wants to buy at least $2,500 worth of goods and services must first seek to do so through FPI. If FPI cannot process an order, the agency is then given a waiver to make the purchase from another source.

Mr. Speaker, this legislation seeks to phase out, over a 5-year period, the preference given to Federal Prison Industries in contracts with Federal agencies. Supporters claim that it is unfair to exclusively employ prisoners when small businesses and private firms want to secure contracts with the Federal Government. However, I claim that if it ain't broke, don't fix it. I claim that it is unfair to spend $587 million tax dollars to dissolve an effective and self-sustaining program.

□ 1245

I claim that it is unfair to obligate an additional $75 million a year for the

next 5 years to implement an educational and vocational program to replace the already successful educational and vocational program. I say that is a wasteful way to spend tax dollars.

As a former judge, I know the importance of prison employment training programs. I personally witnessed the benefits of giving prisoners constructive work when incarcerated. While the FPI may be reform, I propose we seek other options. I propose we first ask the Bureau of Prisons what they think about reforming FPI. I propose we ask the Federal agencies that receive FPI products and services what improvements can be made. I am not convinced that H.R. 1829 is necessary or that it is the best solution in reforming Federal Prison Industries. Mr. Speaker, I will oppose H.R. 1829.

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

Mrs. MYRICK. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the sponsor of this bill.

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

Mr. Speaker, H.R. 1829, the Hoekstra-Frank-Collins-Maloney-Sensenbrenner-Conyers Federal Prison Industries Competition in Contracting Act of 2003 will bring fundamental and necessary comprehensive reform to Federal Prison Industries, Incorporated.

This is a Depression-era authorizing statute that permits it to operate in a manner that is detrimental to all participants in the Federal procurement process except Federal Prison Industries. Change is needed.

Because of FPI's status as a mandatory source, noninmate workers and the firms that employ them are completely precluded from having the opportunity to even bid, to even bid, on almost $700 million in Federal contracting opportunities, contracting opportunities that are funded by the tax dollars of those workers and those firms. Workers are denied the job opportunities funded by these Federal contracts.

That is why the bill is supported by a broad coalition of business groups led by the U.S. Chamber of Commerce and NFIB. That is why the bill is concurrently supported by organized labor led by the AFL–CIO with the vocal support of its affiliated unions whose members are most impacted. They included the IAM, the International Association of Machinists and Aerospace Workers; UNITE!, the Union of Needletrades, Industrial, and Textile Employees; the UAW, the United Automobile, Aerospace and Agricultural Implement Workers of America; AFSCME; the IBT, the International Brotherhood of Teamsters; and CJA, the United Brotherhood of Carpenters and Joiners of America.

Because of FPI's mandatory-source status, FPI's captive Federal agency customers cannot get the best value for the taxpayer dollars entrusted to their care. They are required, required, to purchase from FPI. FPI, rather than the Federal agency, determines whether FPI's offered product and promised delivery schedule meets the mission needs of the buying agency. FPI, rather than the buying agency, determines whether FPI's price represents even an approximation of a fair and reasonable price.

That is why H.R. 1829 enjoys the support of Federal managers represented by Federal Managers Association.

The justification for FPI's mandatory-source status is that inmate work opportunities help combat idleness and better prepare inmates for a successful return to society. Neither of these cited benefits are linked to the corrosive manner in which FPI is currently permitted to operate in the Federal market.

Frequently cited is the statistic that inmates participating in prison industry programs are 24 percent less likely to return to prison. That finding is drawn from the report of a multiyear study by the Federal Bureau of Prisons, the ''Post-Release Employment Project.'' What the proponents of the status quo forget to mention is that the same PREP study demonstrated that inmates participating in remedial and vocational education programs were 33 percent less likely to return to prison. Such programs better prepare inmates for a successful return to society; but FPI does not use one dime, not one dime of its gross profits, which were $72 million in fiscal year 2002, to fund such educational programs. No. Those gross profits are devoted exclusively to FPI's expansion.

H.R. 1829 provides additional funding to expand the opportunities for Federal inmates to participate in remedial and modern hands-on vocational training programs, those that are most likely to reduce recidivism. H.R. 1829 will require FPI to help fund the broad array of alternative rehabilitative programs authorized by the bill.

Similarly, H.R. 1829 provides alternative work opportunities for inmates by authorizing them to do work for nonprofit entities. No one is against prisoners working. No one is against prisoners acquiring the skills to be successful once they leave. So we offer them additional work opportunity; plus we enable them to continue to compete for Federal Government business. All 1829 does is say they have to compete for the business, and they have to compete successfully if they are going to get it.

I also intend to offer an amendment that will broaden the bill in this regard, allowing Federal inmates to perform services in support of units of local governments and special-purpose districts like school districts. A public service inmate program run by the Ohio Department of Corrections now provides more inmate jobs than the Department's traditional industries program. Such a program provides no unfair competition to the private sector and costs less to operate than the traditional prison industry program.

Mr. Speaker, I urge adoption of the rule and look forward to what I expect will be a spirited debate on the bill tomorrow. This is an important issue. My colleague on the Permanent Select Committee on Intelligence indicated that there is not a need for change. There is a phenomenal need for change around the country. Members have joined in this effort to reform Federal Prison Industries because their constituents have been negatively impacted. They have lost the opportunity to provide goods and services to the Federal Government. Even though they can provide them at a better price and a better quality and a better delivery schedule, they cannot even compete for the business. That is why we have got a broad coalition of business, labor, and Federal Government procurement managers who are saying this is the way to go. They sense the need for change.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), my good friend.

Mr. SCOTT of Virginia. Mr. Speaker, the Federal Prison Industries program, or FPI, has been around since the 1930s. Under the law, the Federal agencies are required to buy needed products from FPI if they can meet the order. The purpose of the program is to teach prisoners real work skills so when they are released from prison, they will be able to find and hold jobs to support themselves and their families and be less likely to commit more crimes.

And it is clear that the program works to do just that. Follow-up studies covering as much as 16 years of data have shown that inmates who participate in prison industries are more likely to be employed and less likely to commit crimes than others who do not participate in the program. And while this certainly benefits the offenders and their families, that is beside the point from a public policy perspective. The real benefit is that all of us, as a result of the program, are less likely to be victims of crimes. We are prepared to spend billions of dollars in prison construction and prison upkeep in our efforts to reduce crime. This program reduces crime and pays for itself.

H.R. 1829 will result in fewer inmate jobs, with increased taxpayer costs and an increase in crime. The CBO, for example, estimates it will cost at least $177 million just in extra security costs to guard the inmates made idle by this bill.

The total revenues of FPI represent a very small percent, approximately ¼ of 1 percent of Federal agency procurement dollars, about the same as it was when it started in 1934. Furniture and apparel industries are two industries in which FPI does most of its work; but when asked, a representative of these industries conceded that FPI sales represent ''insignificant'' and ''negligible''

portions of their industries. And if such industries have problems, it is not due to FPI. On textiles, for example, I was told that 600,000 jobs were lost over the last 10 years. Where there are approximately 7,000 prisoners working in textiles in FPI, we certainly cannot blame 7,000 prisoners for the loss of 600,000 jobs.

The program generates almost as much business as it takes in by pumping three quarters of the roughly $600 million it takes in back into the economy to purchase supplies and whatnot, primarily from small minority and women-owned and disadvantaged businesses. The FPI has received awards for spending almost 60 percent of its expenditures in these small and disadvantaged businesses.

I am the first to concede that there may be problems with FPI which should be fixed. When a small business making a single product such as an Army helmet is dependent on the Department of Defense for contracts for its operations, FPI should not be able to take away that business. But this bill should be fixing the problems not by gutting it by taking away all its primary source of contracts. And while the bill suggests that the lack of competition is a problem, the bill seeks to stranglehold FPI as a competitor not only by strengthening the prohibitions against activities in the commercial market but also in the government as well. We are already seeing the effects of a Department of Defense restriction in FPI passed last year. The information I have obtained from the program indicates that it has already had to close 13 factories and eliminate over 1,700 inmate jobs and expects to eliminate an additional 500 jobs before the end of the year.

We should fix these problems, but we should do so in a way that assures the viability of the vital crime-reducing program. With additional prisons scheduled to come on line over the next few years, we can ill afford to diminish the successful crime-reduction program. But for their crimes and imprisonment, they are indistinguishable from the rest of us; and treating them as if they are a foreign competitor and viewing the work as private businesses, we should not be in a position where the policy of the committee with oversight responsibility for the safe and efficient operation of our prisons should be at risk.

Mr. Speaker, these are important jobs. This program reduces crime. We can do better than just gut the entire program with a meat ax approach. We can improve the program without ending it. So I would hope that we would defeat the rule and, if the rule passes, defeat the bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership.

I rise in support of this rule and in support of the bill that will protect the jobs of American taxpayers. In a time when 3 million workers have lost their jobs, we should be doing everything possible to keep workers employed. FPI is not competing on a level playing field. It pays its workers pennies and is not required to pay taxes. With its predatory practices, FPI has contributed to the closure of private companies and the loss of tens of thousands of jobs throughout our Nation.

With its predatory practices, I confronted them in 1997 when they tried to close one of my constituent's company, Glamour Glove. FPI sought to simply come in and take away all the competitively won contracts with the Department of Defense to make military gloves. If they had succeeded, Glamour Glove would be out of business and the workers of UNITE! would have been out of work. Outraged, I appeared before the FPI board with the gentleman from Michigan (Mr. HOEKSTRA), who was facing similar challenges in his own district, and we were successful in negotiating and saving these jobs; but this effort led to the bill that we have before us today.

□ 1300

It has been a 7-year effort. I thank the gentleman from Michigan (Mr. HOEKSTRA) for helping me save the jobs in Glamor Glove and for his work on this legislation.

By passing this bill, we will save thousands of jobs across this country, and we will protect competition. We will allow the prison industries to compete with hardworking, tax-paying workers in America. This legislation will ensure that contracts are awarded to the company that will provide the best products, delivered on time and at the best prices, thereby saving not only jobs, but taxpayer dollars; in short, the way the free market is supposed to operate.

The bill has large bipartisan support, over 140 of our colleagues on both sides of the aisle, and it has support both from the business community, led by the Chamber of Commerce, and organized labor, led by the AFL–CIO.

Passage of this legislation will not mean that inmates will sit idly in prison. It also requires and provides for alternative rehabilitative opportunities, including work in support of nonprofit public service organizations, to better prepare inmates for a successful return to society.

I urge my colleagues to put an end to this unfair, government-sponsored monopoly, which really would be more at home in communist Russia, under Fidel Castro or in mainland China, where people are paid pennies for their work, where there is no competition and workers are stripped of their jobs and thrown out on the street and not even given an opportunity to compete.

This allows our workers to compete. It will save jobs. It is good for America, it is good for workers, and it is good for business. I urge a yes vote on the underlying bill and the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), my good friend from Chicago.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding me time.

Mr. Speaker, at first blush, I thought that this was a good bill, good piece of legislation, that it made some sense. But then I thought about the fact that the goal of our prison system really should be to try and make sure that individuals are better off when they leave than they were when they got there.

If they cannot read, we need to teach them how to read; if they cannot write, we should teach them how to write; if they have got drug problems, we should give them counseling and treatment; if they do not have job skills, if they have never had a work ethic, then we ought to provide opportunities for them to learn what work is all about.

We ought to provide an opportunity for them to develop a skill, so that when they get out, there is something that they can do, other than stand on the corner and holler ''crack and blow,'' or ''pills and thrills.'' Any diminution of opportunity for these individuals to work is not in the best interest of America. It will cause recidivism, and those who get out will be right back. So I would urge us to look seriously.

I understand competition. I understand small business. I am an avid supporter of small business, but I believe that we would do much more harm than good by denying any single person incarcerated the opportunity to work and learn a skill.

I will vote no, and urge that we reject this rule and this bill.

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

Mrs. MYRICK. 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.

PROVIDING FOR CONSIDERATION OF H.J. RES. 76, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 430 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 430

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in

the House the joint resolution (H.J. Res. 76) making further continuing appropriations for the fiscal year 2004, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

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

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 430 is a closed rule that provides for the consideration of H.J. Res. 76, a continuing resolution that will ensure further appropriations for fiscal year 2004. The rule provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution and provides for one motion to recommit.

Mr. Speaker, we passed the first continuing resolution, H.J. Res. 69, in late September, continuing appropriations through October. The provisions of H.J. Res. 75, which was the second CR enacted by this Congress, are scheduled to expire this Friday, November 7.

Under the joint resolution that H. Res. 430 makes in order, the provisions of that second continuing resolution would be extended until November 21, 2003. In brief, for the fiscal year 2004 appropriations bills that have not yet been enacted into law, the CR provides 2 additional weeks of funding for those Federal departments and agencies whose operations depend on the enactment of those appropriations.

We are approaching the completion of this first session of the 108th Congress, but there are a number of appropriations bills and other must-do legislative priorities that we are working to resolve. Additional time is needed. Nonetheless, it is our goal to have this represent the last continuing resolution, as the appropriators are working hard to complete conference reports and are moving toward making the tough decisions that will lead us to the end of the appropriations process for this year. This continuing resolution gives us the time needed to complete this process in an orderly manner.

The Committee on Rules approved this rule yesterday. I urge my colleagues to join me in supporting its passage.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes.

Mr. Speaker, since George W. Bush got his job and Republicans took over the entire Federal Government, nearly 3 million Americans have lost their jobs. So, under these circumstances, you might think the Republicans who control the town and the government and CBS would be very conscientious about doing their jobs. But here we are, once again, passing yet another continuing resolution to keep the government running because the Republican Congress refuses to do the most fundamental job the American people have given to it. While millions of Americans cannot find any jobs, Republicans refuse to do the jobs that they have and the taxpayers pay us to do. The House has not put in a full week's worth of work in months.

So what is the problem Mr. Speaker? After all, the Republicans control this body, the other body, the Presidency. Are they stuck haggling with each other over how much to shortchange schools this year? Or looking for an excuse to continue penalizing disabled veterans? Or arguing over which slick procedural trick to use to try to hide the hundreds of billions of dollars in debt they have run up?

Well, one thing is for sure, you know this is not a Republican Party priority, because when the Republican Party wants something, the Republican Party is ruthlessly efficient.

Just take a look at the record. When it comes to Republican priorities, like tax breaks for the small, elite group of big contributors who fund Republican campaigns, this Congress has been tremendously successful. But when it comes to the priorities of the American people, like tax relief for the military and working families, this Congress cannot or will not get it done.

Mr. Speaker, Republican leaders have protected big corporate tax dodgers, but Republicans will not do anything about the high health care costs or help the millions of Americans who need unemployment insurance in the midst of President Bush's jobless recovery. They actually blocked a Democratic pay raise for the military, which would have given the soldiers in Iraq and Afghanistan a $1,500 bonus.

Mr. Speaker, I fear this is not a government of the people, by the people and for the people. It is a government of the Republican Party, by the Republican Party, and for the Republican Party.

Unfortunately, the rest of America does not seem to matter. Today, millions of hardworking Americans no longer share in the prosperity they enjoyed during the Democrat-led economic boom of the nineties. George W. Bush has compiled the worst record of job loss of any President since Herbert Hoover in the Great Depression. Some 1.4 million Americans have been unemployed for so long in this economy that they have exhausted their unemployment insurance. After the end of this year, Americans who lose their jobs, people like the nearly 3 million jobs lost since President Bush took office, will not be able to enroll in unemployment insurance.

Over that same period, the Republican fiscal irresponsibility turned record surpluses into astronomical and out-of-control deficits, increasing the debt tax on all Americans and threatening the future of Medicare and Social Security. And it is getting worse. In the coming years, the tax breaks for the wealthiest few will become even more expensive, at the same time that the Bush administration will be asking taxpayers to send untold hundreds of billions of dollars to Iraq.

This government has no plan to clean up the mess it has made of America. Instead, they just keep offering more of the same and hope the American people will not notice that their Congress has stopped working for them, because it is too busy using the power of the people's government to protect the privileges of their party.

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

Mr. LINDER. 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.

RECOGNIZING AND HONORING FIREFIGHTERS AND OTHER PUBLIC SERVANTS WHO RESPONDED TO 2003 CALIFORNIA WILDFIRES

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 425) recognizing and honoring the firefighters and other public servants who responded to the October 2003, historically devastating, outbreak of wildfires in Southern California.

The Clerk read as follows:

H. RES. 425

Whereas in late October 2003, Southern California simultaneously experienced a number of devastating wildfires destroying thousands of homes, taking many lives, and burning hundreds of thousands of acres of grasslands and forests exceeding the devastation of any fires in the past century;

Whereas in the space of a few days, all of the resources of local firefighting companies were called upon to man fire lines on first one and then on many fronts;

Whereas firefighters were thrown into extraordinarily dangerous situations because of the fast-moving, fuel- and wind-driven fires;

Whereas firefighters exhibited resilience and courage in continuing to stay on the lines often in back-to-back shifts while knowing, in some instances, that their own families were in danger or that their personal homes had been lost and even giving the ultimate sacrifice of life;

Whereas those firefighters who were called initially were later assisted by skilled and courageous pilots flying water-drop flights in the most challenging wind and smoke conditions and by firefighters from throughout the State of California and neighboring States;

Whereas additional emergency personnel, such as law enforcement and medical personnel, have coordinated with local authorities and firefighters and have performed beyond the call of duty in the preservation and protection of human lives; and

Whereas members of the Armed Forces have once again met their country's call to duty, providing valuable firefighting assets and assistance to California's emergency response efforts; their actions are in keeping with the finest traditions of United States military service: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors those firefighters and every public servant who participated in responding to the October 2003, historically devastating, outbreak of wildfires in Southern California and commends them for their dedicated service to the people of California.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 425.

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

There was no objection.

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

Mr. Speaker, House Resolution 425 recognizes and honors the deserving firefighters in southern California for their response to the devastating wildfires there which have affected so many lives. The raging fires have scorched hundreds of thousands of acres and burned thousands of homes in one of the worst disasters in California history. Regrettably, 22 people have lost their lives due to the fires.

Mr. Speaker, the devastation of the blazes has been overshadowed by the vigilance and bravery of the men and women who have fought the fires nonstop over the last 2 weeks. These firefighters have endured extreme heat and dangerous smoke in saving countless lives and properties. Their incredible work will help all California citizens go back to their everyday lives once the fires are fully extinguished, and, indeed, the fires may be nearing the end. Due to the firefighters' efforts, many believe that the blazes are becoming contained and the worst is over. People are already returning home, children are going back to school and interrupted utility service is resuming.

□ 1315

These facts are a testament to the determination of the Southern California firefighters for their unyielding efforts. The firefighters have indeed earned the thanks of a grateful House of Representatives.

Mr. Speaker, the President joined many of our colleagues yesterday during a visit to the ravaged area. I think the President thoughtfully summed up the situation in California during his tour when he observed, ''I see human tragedy and heartache. I see the loss of a lot of material possessions. However, I see a strong spirit which exists here. I see people who are resolved to rebuild their lives. Amidst their tears they do see hope. And that is a great tribute to the people in this part of California.''

Mr. Speaker, we commend the firefighters in California for their invaluable lifesaving work. The thoughts of the Members of this House are with the resilient citizens of California during this extraordinarily trying time.

I urge adoption of the resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 425, introduced by the gentlewoman from California (Mrs. DAVIS).

Mr. Speaker, the fires raging through Southern California have killed 20 people, destroyed more than 3,400 homes, and scorched over 750,000 acres of forests. Most of the deaths and demolished homes were in San Diego County, where a 280,000-acre blaze was apparently started by a lost hunter who set a signal fire.

Every year, fires and other emergencies take thousands of lives and destroy property worth billions of dollars. Firefighters are on the front lines between the public and the devastation the fire can cause. Firefighters help protect the public interest from these dangers by rapidly responding to a variety of emergencies. Firefighting involves hazardous conditions and long, irregular hours.

Firefighters must be prepared to respond immediately to a fire or to any other emergency that arises. Because fighting fires is dangerous and complex, it requires organization and teamwork.

When fires break out in forests and parks, firefighters are brought in to suppress the blaze by using heavy equipment, hand tools, and water hoses. Forest firefighting is rigorous work. One of the most effective means of battling a blaze is to create fire lines by cutting down trees and digging out grass and all other vegetation, thereby creating bare land in the path of the fire that deprives it of fuel. Elite firefighters, called smoke jumpers, parachute from airplanes to reach otherwise inaccessible areas. This is extremely hazardous, because the crews have no way to escape if the wind shifts and causes the fire to burn towards them.

That is what firefighters do. They risk their lives for the public, and Steven Rucker was not any different. Steven Rucker died in the line of duty last week while battling the Cedar fire near the town of Julian in San Diego County. Steven Rucker and three other firefighters were battling to save a home as part of a strike team called in to battle the immense San Diego County blaze. The four men were working to save a structure when the swirling flames overwhelmed their position.

Rucker's colleagues, Captain Doug McDonald, Engineer Shawn Kreps, and Firefighter/Paramedic Barrett Smith were injured on the lines before the group was evacuated by helicopter from the scene.

We owe the California firefighters, and all firefighters, a debt of gratitude for what they do to protect us from the devastation of fires. That gratitude should be extended when the fire is blazing and when it has dimmed.

I support this resolution, and I urge all of my colleagues to do the same.

Mr. Speaker, it is my pleasure to yield 6 minutes to the gentlewoman from California (Mrs. DAVIS), the sponsor of this bill.

Mrs. DAVIS of California. Mr. Speaker, I want to thank the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Illinois (Mr. DAVIS) for managing House Resolution 425, and I also want to thank and let the gentleman from California (Mr. HUNTER), my colleague from San Diego, know how much I honor working with him on this, as well, as we honor brave firefighters with this resolution.

We all sympathize with our colleague, the gentleman from California (Mr. HUNTER), for he was one of the victims of this devastating fire. He exemplifies the thousands of families whose homes were leveled. He celebrates the resilience of families whom we heard over and over again say, We will rebuild.

I am proud to welcome every member of the California congressional delegation as cosponsors of this bill, as well as Members from around the country, including those States which sent firefighters to help.

As I had an opportunity to visit the burned-out communities, streets, and neighborhoods of San Diego City and County, I was struck by the velocity of this fire storm. In the community of Scripps Ranch, the eucalyptus trees did not burn. The fire moved so quickly that the trees did not ignite, yet almost every home on several streets on the ground turned to ash.

As I toured in a helicopter, I was overwhelmed by the sheer magnitude of the 280,000 acres in San Diego that burned and the capriciousness of the fire that leveled 2,232 residences while, in some places, neighboring houses remained standing.

Yet, the mission of the firefighters was clear: saving lives first and then property. That is what they did; that is what they always do. They were joined by law enforcement, who handled the evacuation of tens of thousands of families.

This bill is just a small way to say thank you, thank you to people whose

bravery, whose courage and perseverance went so far beyond the ordinary.

Many of my colleagues have read the individual events and acts of heroism. I know I join with the gentlewoman from California (Ms. WOOLSEY) in honoring the firefighter from her district, Steven Rucker, who volunteered to go to San Diego along with thousands of firefighters from throughout the State and the country and gave the ultimate sacrifice of his life. We remember also his colleagues who remain seriously burned from the fire that swiftly overran their position.

In addition, we have read of numerous, just numerous unnamed firefighters who performed way beyond their own safety. Responding to a 911 call, firefighters, choking from the smoke, entered a home to find an elderly woman. When they pulled her to safety, she told them that her husband was still inside the house. It took three attempts to enter the burning home to find him. He was trying to move in his walker toward safety. And then they brought him out and worked to get the couple air-lifted to a hospital.

We learned of firefighters overcome with frustration and sadness in the early-morning darkness when the fast-moving blazes prevented them from reaching secluded homes to warn the residents and to try to help them escape. Four of the residents of one community died. There were 22 fire-related deaths in Southern California, and we join in expressing our condolences to their families for their losses.

The stories, I say to my colleagues, are legion, and all San Diegans hold great appreciation for the dedication of the Julian firefighters who, with so much determination, saved the historic mining town that is home to all of our fantasies of the world's best apple pies. So dedicated were they that many of them lost their own homes on the neighboring hillsides while protecting the village. I talked to a firefighter who saved many homes, only to learn that his own home was taken by the firestorm.

The simultaneous fires throughout Southern California put extreme stress, not only on the resources that we are all committed to share in mutual response, but in overwhelming all of those resources. The coordination of so many agencies and equipment was indeed a critical, critical effort.

We thank, in particular, the firefighters from Northern California, the central valley, and neighboring States. I saw fire trucks lined up not only from Novato and Milpitas, but also from Fresno and Sacramento, from Arizona and Nevada, all different colors of firefighting equipment. It was impressive, and we knew of their efforts.

We are proud of our servicemen and women who are at the ready to offer their support and to supply backup resources to meet this implacable foe.

There is another whole story of neighbors helping neighbors, strangers helping the tens of thousands of evacuees, and the dominant spirit of victims who have committed their will to rebuild.

There will be many, many days to contemplate the lessons from this tragedy and many will be focusing on lessons learned. San Diego has learned much about the preparation, coordination, and effort needed to be prepared to respond to seasonal fires, as well as homeland security threats. We will have much to offer, I believe, our country in that search for answers.

But today, we have one very simple message: from the bottom of our hearts, we thank each and every one of you, the firefighters.

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman for her introduction of this legislation, and I yield 1½ minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, we always seem to find the words to express our gratitude for heroes, and today I rise in strong support for H.R. 425, a resolution to recognize those heroes, honor the brave men and women who responded to the horrendous wildfires that plagued Southern California last month.

While we all recognize that hundreds of first responders from the State of California bravely risked their lives to fight these wildfires, many Americans were less aware that hundreds of Nevada's first responders were also enlisted in this fight. In fact, during the course of this deadly natural disaster, the State of Nevada deployed over 450 brave Americans to Southern California to join our neighbors in this effort to quell this deadly natural disaster. These Nevadans included dozens of firefighters, paramedics, and highly skilled mechanics.

Northern Nevada-based crews from the United States Forest Service and the Bureau of Land Management, along with engine crews from the Nevada Division of Forestry, Reno, Sparks, Storey County, Elko County, and North Lake Fire Protection District, were dispatched on October 27 to fight the Southern California fires. Two strike teams composed of firefighters from Las Vegas, Clark County, Henderson, Pahrump, the Nevada Test Site and the Naval Air Station at Fallon drove by personal car to offer their support to a base camp in Santee.

Mr. Speaker, I encourage all of my colleagues to join me in supporting this resolution. The brave first responders from all over the western States and Nevada have earned this honor, and I am pleased to recognize their selfless efforts today.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to the sensitive Democratic leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and my colleague, the gentlewoman from California (Ms. WOOLSEY), for allowing me to speak out of turn here.

I want to commend my colleagues from California, (Chairman HUNTER) and (Mrs. DAVIS), for bringing this resolution to the floor, enabling Members of Congress to express our appreciation for the brave service of the firefighters in our great State of California. These firefighters battled 17 wildfires over the course of more than a week, saving countless lives and protecting us in this great natural disaster. I want to join with my California colleagues in offering my praise, respect, and admiration for the heroic men and women who put their lives at risk under extremely hazardous conditions to contain this disaster and minimize the damage to land, homes, and businesses in Southern California.

During our debate last week on another piece of legislation, I conveyed my condolences to all of our colleagues who had lost lives and families who had lost their homes in Southern California. I especially wanted to express concern to our distinguished chairman, the gentleman from California (Mr. HUNTER), for the loss of his home in the fire, and hope that his family will be made whole, as well as all of the families of the region affected.

The tales of these firefighters, Mr. Speaker, are tales of bravery and sacrifice. We mourn the loss of the gentlewoman from California's (Ms. WOOLSEY) constituent, Marin County firefighter Steven Rucker, who made the ultimate sacrifice. We all extend our sympathy to his family at home and his friends at the firehouse.

□ 1330

In San Diego County, represented by my colleague, the gentlewoman from California (Mrs. DAVIS), who I acknowledged earlier for her leadership, as well as by the gentleman from California (Mr. FILNER) and the gentleman from California (Mr. CUNNINGHAM) and others, a number of volunteer firefighters have sacrificed their own homes while battling the blazes to preserve the homes of others in their communities.

I would also like to commend the efforts of the 72 members of the San Francisco Fire Department who were quick to join the strike teams to assist our neighbors to the south. These devastating fires have burned almost 750,000 acres, caused the death of 22 of our fellow Californians, and destroyed more than 3,500 homes. It is almost inconceivable.

As we prepare to help families and communities recover from devastation and loss, we recognize without the tireless and heroic efforts of thousands of firefighters, our losses could have been much greater. We salute their bravery, their heroism, and the decisions they make every day to risk their own safety even to protect the safety of others. I might add we commend and salute their families, their courageous families.

I commend my colleagues, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr.

HUNTER). I also want to, once again, acknowledge the gentlewoman from California (Ms. WOOLSEY) who has so sensitively dealt with the loss of her constituent Steven Rucker. And we all acknowledge the debt we owe to California's bravest for their successful efforts to contain these massive fires.

Mr. Speaker, I again thank the gentleman from Illinois (Mr. DAVIS) for his leadership and for yielding time.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I want to thank the gentleman from Connecticut (Mr. SHAYS) for yielding the time. I want to thank the gentleman from California (Chairman HUNTER) and the gentlewoman from California (Mrs. DAVIS) for their support and their bringing this legislation before us, as has already been mentioned.

The gentleman from California (Mr. HUNTER) lost his home. I know he has been handling it a whole lot better than I would.

I rise today, Mr. Speaker, to express my heartfelt support for this bill, House Resolution 425, which honors the courageous firefighters and other emergency service persons who so tirelessly fought the devastating wildfires of southern California.

Over the past couple of weeks, more than 14,000 firefighters from five States have taken to the front lines in this wildfire, selflessly risking their lives for the protection of their fellow Americans. These ongoing fires have ravaged almost 750,000 acres, destroyed over 3,500 homes, and resulted in the loss of 22 lives, including the life of a young firefighter by the same of Steven L. Rucker, an engineer from the Novato Fire District.

On October 29, 2003, Engineer Rucker made the ultimate sacrifice for his fellow man while defending a home in the Cedar Fire incident in San Diego County. It is the bravery of Firefighter Rucker and other heroes like him in the Los Angeles County Fire Department who saved my district and the lives and property of my neighbors, friends, and families in the Stevenson Ranch and Sunset Point areas of the Santa Clarita Valley, where the fire literally came within feet of their homes.

My community was spared from major devastation as a result of the efforts of our firefighters from the Nation, from the county and from the areas surrounding, as well as the efforts of the Armed Services and other emergency personnel who came to the rescue.

Mr. Speaker, on behalf of my constituents from the 25th District of California, I express my deep gratitude to our firefighters for their continued bravery and valor in fighting this wildfire and urge my colleagues to unanimously adopt this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for organizing today's effort. And I rise to support H. Res. 425 and to honor the memory of firefighter Steve Rucker, a resident of Novato, California, and to wish the speedy recovery of three other Novato firefighters, Captain Doug McDonald, Shawn Kreps, and Barrett Smith. These four men were among the dozens of firefighters from my district who sped to southern California to fight the recent fires, fires that burned hundreds of thousands of acres.

The day before yesterday, I stood alongside Steve's colleagues, firefighters, and police officers and watched the mile-long precession that carried his casket from the airport in Santa Rosa to his beloved city of Novato. My heart was filled with emotion as I watched the great sadness this community felt, the sadness and the grief that come with the death from within the family. But lingering in this grief, there was also pride, pride in recalling the time and heroism of one of their own, these four firefighters served the Novato Fire Protection District.

Novato is a prosperous place, a family town that touches San Francisco Bay and reaches into the golden coastal hills. But the warm sun of Indian summer never lulls Novato firefighters. They know that the days before the rains come are the most dangerous times of the year. They also know that firefighters throughout the State are members of a large community and when help is needed anywhere, they are honored to help.

So it was with that and without any contractual obligation but out of compassion and comradeship that Shawn Kreps drove Novato fire engine 6162 all night a week ago Monday to join the fire lines at the Cedar fire, more than 400 miles from Novato. And so it was that Steve Rucker, Doug McDonald, Shawn Kreps, and Barrett Smith found themselves Wednesday on a back road, 5 miles from the rural village of Julian, fighting to protect a scattering of homes.

Fire can be a fierce and swift enemy, and when flames suddenly threatened to engulf the men, all they could do is run for their lives. Steve Rucker did not make it. Apparently the intense heat of the fire seared his lungs. And when Captain McDonald went out to look for his friend, he was critically burned. Fortunately, Kreps and Smith suffered minor injuries, and I expect they will have many fires to fight in the future. Captain McDonald, however, remains hospitalized with serious burns, the wounds of a hero, and my prayers go out to him and his family.

It was too soon for 38-year-old Steve Rucker to leave this earth. He left behind a loving wife, Cathy, a 7-year-old daughter Kerstin, and a 3-year-old son Wesley, in a home he had just built. His friends in the department knew Steve as ''The Ruckster,'' a cheerful, enthusiastic man ready to joke, ready to laugh, a man they could counted on to be a calm and competent firefighter and paramedic. A man who loved his job. He was, according to his friends and colleagues, a firefighter's firefighter.

In fact, they told me just the other day that Steve was the ''go-to guy'' during times of tragedy like now, and that his loss was felt even greater because they really needed him to help them get through their pain. Twelve thousand firefighters battled the flames that threatened to burn from southern California to the Pacific Ocean. Steve Rucker was the only firefighter to die in this historical battle. In this, he receives a measure of immortality. He also stands for all of those brave men and women who unselfishly risked their lives to save others, whether facing a wall of flames on a rural back road or the billowing smoke of the World Trade Center.

Mr. Speaker, Steve Rucker was an irreplaceable man, but his family must go on without him. I wish them consolation in knowing that this man, son, husband, father, died giving the gift of himself.

Mr. SHAYS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me the time, and I want to thank my colleagues for cosponsoring this resolution and for the initiative of the gentlewoman from California (Mrs. DAVIS) on this resolution.

And, Mr. Speaker, I thought I would lead off simply by reading the names of the people who lost their lives in this fire. Steven Rucker, Galen Blacklidge, Christy-Anne Seiler Davis, Edward Downs, Nancy Morphew, Mary Peace, Asleigh Roach, Stephen Shacklett, James Shohara, Solange Shohara, Randy Shohara, Robin Sloan, Jennifer Sloan, Ralph Westy, Charles Cunningham, James McDermith, Chad Williams, Gene Knowles. And there are some other names which have not yet been released, and we will recount them when they are released.

Mr. Speaker, this was a time of enormous disaster and tragedy for our colleagues and for our neighbors and friends who lived in our communities who have lost so much, some who have lost their lives. It is also a time of great heroism. And I was reminded as the stories came in of the firefighters and the valiant stands that they were making as they were trying to keep these fires from advancing into our neighborhoods. I was reminded that all the heroism that is displayed by uniformed services in this country are not just being displayed on the battlefields of the Middle East, but rather in these battles that we undertake in the West, especially all over the country, but for some reason during this season in the West and those Santa Ana winds come up, those battles are to protect our communities against fire.

And it was very moving to be out yesterday and the day before when we carried the body of Steve Rucker, who was the Novato firefighter who has been so eloquently described by my colleagues, when we carried his body to the C–130 to take him home. And I rode in the procession with Maureen McDonald, who is the wife of Doug McDonald, who was Steven's partner, who also was caught by this fire, and who was burned over 30 percent of his body and is currently doing well in San Diego in the hospital.

And I was taken by the great bravery and the eloquence of this lady, this Maureen McDonald whose own husband was in very difficult condition, but who was focusing all of her attention on the Rucker family. When I asked her to talk a little bit about how she had gotten to know the Ruckers, she said something that will always stick with me: She said, ''I met them in the glow of the birth of their first child.'' So she had met them right after they had that first baby, and that was Kerstin, who now is some 7 years old, Wesley is now 2. But for me that personalized this fire.

And this country enjoys not only great freedoms, but a wonderful, wonderful way of life. I mean, every part of this country has great charm, but for us in California, most of us can go to the ocean fairly easily, fairly quickly, one can go to the desert within a couple miles from almost any part of southern California, one can go to the mountains, those great, beautiful mountains. You can raise your family in these wonderful, wonderful surroundings. And yet we have some dangers and some tragedies that we are protected from by those people that wear the uniform of the various firefighting units and communities.

And I noticed as Steve Rucker's body was being carried to the C–130 that that community is one community as they all lined up. It was indeed seamless. There were not individual areas or districts represented. They were all firefighters. They were all people who gave so much so that we might have this great wonderful life that we enjoy in California and other places.

So, Mr. Speaker, I saw the coming together of the firefighters, all these units they came in to honor Steve Rucker. And also it was good to see the President come out with the outgoing Governor of California, Gray Davis, stand side by side with him and the incoming Governor, Mr. Schwarzenegger, and to see them all together after some heavy duty political arm wrestling to all unite in common cause. And the common cause was to thank the people that wear firefighting uniforms.

I think that the language of the gentlewoman from California (Mrs. DAVIS) in this resolution very eloquently expresses that, and, certainly, I want to thank her and everyone who participated in putting this resolution together.

□ 1345

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

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman for yielding me time. I would like to thank my colleague, the gentlewoman from California (Mrs. DAVIS), and also the gentleman from Connecticut (Mr. SHAYS), for bringing forth this resolution that is just so timely. To my colleague and friend who just spoke, the gentleman from California (Mr. HUNTER), our best regards to him because we know that his district was extremely devastated, including the loss of his home; and we are with him on whatever he needs us to be with him on.

I rise today, Mr. Speaker, in support of H. Res. 425. As a Representative from Southern California and a resident of Los Angeles County, I want to thank those brave men and women who are firefighters and public servants who have worked so hard to put out those fires that have devastated Southern California. They are truly our heroes. We thank them so much.

As I stand here today, our firefighters continue to make excellent progress towards containing four major fires involving over 271,000 acres of State, Federal, and private lands. Three of these fires involve national forest lands. Six other fires totaling an additional 473,778 acres have been contained. Three more fires are expected to be fully contained by the end of the week.

The devastation of these wild fires in Southern California is unprecedented, Mr. Speaker. To date, the Forest Service wild fire cost is $45 million. The total cost of wild fires is $92 million, which represents all fires both contained and active.

I look forward to working with Congress and with the administration, and we thank the President for being out there this week to look at the devastation and to continue to provide more emergency relief to California in the near future. We will work together to get our State, our region, and our citizens back on their feet.

Mr. SHAYS. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, this body should be proud. The California delegation, Republicans, Democrats, united. There were no party lines. There were no district lines in California. Members whose districts were not even affected called to help and offered concern.

The day before yesterday, the gentlewoman from California (Mrs. DAVIS), the gentleman from California (Mr. HUNTER), the gentleman from California (Mr. ISSA), and myself went through 10 town hall meetings with FEMA, Red Cross, SPA and other government agencies. We witnessed in some cases firefighters who had fought fires, saving other people's homes while their own homes burned down.

I witnessed people at each of these emergency centers that had actually lost their homes, and they were volunteering at those centers to help other people that had lost their homes and things. The events of 9–11 showed that people do come together, and it did so in the State of California also.

In Lake Wolford we saw the sight of a young girl, her brother was driving a car, overcome by smoke, crashed the car and she died a horrible death in front of the firefighters that could not get to her to save her life.

We honor our firefighters. We lost 23 firefighters in 2003. We lost a firefighter, Steven Rucker, in this fight. Captain Doug McDonald its fighting for his life with over 18 percent of his body burned.

If you really want to help our firefighters, if you really want to pay them homage, there are some things we can do. We are putting in the defense bill that there are strange laws where Federal tankers cannot get airborne. They could be there fully loaded with water and chemicals, and they cannot touch the fire if State and local funds have not maxed out. We are changing that, and we are asking for this body's help to do that.

Firefighters for years have asked for us to put more roads in our forests, not just to have access to the fire, but so that they can get out. We lost 15 firefighters in Colorado because they could not get out of the fire. They did not have a road to come through. But yet we have been stopped from doing that by some people in this body and the other body.

The bark beetle, we asked to be able to cut the dead wood and the trees, and not to cut just the dead wood but to cut wherever the bark beetles are. And that same group stopped us from doing that. In Julian, we lost most of Julian because of bark beetle trees and the fuel. The firefighters could not get to it.

We also have for a decade been wanting to take care and thin brush out. For a decade. We have dead brush piled on dead brush every year, and we want to thin it; but we cannot do it because of a bird called a gnat catcher and the desert tortoise and those things. Well, I ask this body, how many of the endangered species do we have today? They are all burned up.

Can you imagine what the winter rains are going to do with the mud and erosion in our lakes and streams? Those who stopped us from doing that are responsible for the aftermath that we are going through right now.

So we can make those changes, ladies and gentlemen. Honor the firefighters and give them what they need.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no greater gift that one can give than his or her own life. There is no greater service than

one can provide than looking after the needs of others while neglecting those of your own. I urge passage of this resolution.

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

Mr. SHAYS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ISSA).

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

Mr. ISSA. Mr. Speaker, my colleague who just spoke, the gentleman from California (Mr. CUNNINGHAM), spoke from the heart and from years of experience in this body. In Congress talk is cheap.

This resolution splendidly lays out our feelings as a body for the brave and courageous acts of firefighters during this statewide fire emergency. As the firestorms spread throughout California at a rate never before seen, we became acutely aware of just how much we depend on the brave men and women who come from all over the country to fight our wild fires. But here today as we speak in such kind words of Steven Rucker, and we talk about his important contribution and we talk about the loss of 22 innocent people, it is certainly my profound wish and my dedication here that they not die in vain. And although these losses of life seem senseless today, they will be even more senseless if a year from now we have more wild fires with more build-up of fuel that could have been cleared away if the President's Healthy Forest Initiative which has now been passed by both of our bodies does not, in fact, become law.

If we talk profoundly and then our actions are hollow, then talk is cheap. So I ask this body here today in the passing of this resolution, a very appropriate one, to cast your vote not just for this resolution but to have this resolution have meaning a year from now. A year from now someone probably will die, but if fewer die because we acted between now and then to streamline firefighting, yes, to facilitate the dollars necessary to clear underbrush and fuel that has been building up but also to work on the core cause of that fuel building up, the fact that America has not managed its forests properly, the President laid down a marker asking us to produce a bill to manage forests, we have done so. Once conferenced and becoming law, we would begin the process of giving meaning to these firefighters' selfless acts by ensuring that in years to come there will be for the first time in a generation fewer wild fires rather than more.

Mr. Speaker, I rise today in support of H. Res. 425, recognizing and honoring the firefighters and public servants who responded to the October, 2003 wildfires in California.

The fires of the past 2 weeks have ravaged the southern California landscape, consuming over 746,000 acres and destroying 3,587 homes. The fires have also claimed the lives of at least 22 in San Diego County. The sense of loss and devastation that is felt by many of my constituents and other residents of southern California cannot be overstated. The scope of these fires, in terms of lives lost and property damaged, was beyond comparison to anything we have experienced in recent memory. These events were truly a catastrophe, and we mourn with those who have suffered loss.

But I also want to take this opportunity to honor the thousands of men and women who put themselves in harm's way to fight the fires and provide emergency humanitarian assistance to people in need. Over 14,000 firefighters from five different states participated in the firefighting effort. This was particularly dangerous duty, with firefighters confronting quickly-moving wind-driven blazes. Firefighters exhibited resilience and courage, often working back-to-back shifts on the front lines while knowing that, in some cases, their own homes were threatened.

I am particularly proud of the incredible effort made by firefighters to save the town of Julian in my district. Early last week, the Cedar Fire, which eventually destroyed nearly 300,000 acres and more than 2,200 homes, was burning a direct path toward Julian. It looked like the town would be completely destroyed. Through an incredibly heroic effort, firefighters were able to save the town and the lives of dozens of people who were trapped by the fires.

One of these firefighters was Steven Rucker of Marin County. He was battling a part of the Cedar Fire that was dangerously approaching the outskirts of Julian, when his crew was entrapped by a wind-driven blaze. The fire moved so quickly they were not able to reach their engine before becoming engulfed in the flames. Three of his colleagues, Captain Doug McDonald, Shawn Kreps, and Barret Smith were seriously injured in the incident. These men will be remembered as heroes. Their resolve, in the face of extreme danger, is a testament to the fine men and women we have serving us in fire departments throughout California and its neighboring states.

I also want to honor the thousands of men and women who have assisted with the relief and support effort these past 2 weeks. Private non-profit charities, public emergency organizations like the Red Cross and the Federal Emergency Management Agency, local and state law enforcement agencies, emergency medical teams, as well as thousands of community volunteers have all extended themselves to bring critical relief to those who were in the greatest need. These efforts saved lives and brought comfort to those who had lost property. We would be in a much more difficult situation without them.

Mr. Speaker, I am proud to be a co-sponsor of H. Res. 425, which honors the brave men and women who stood in the face of danger and saved the lives and property of so many. We owe these heroes a debt of gratitude. I urge my colleagues to support this resolution.

Mr. SHAYS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Connecticut has 4 minutes remaining.

Mr. SHAYS. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. LEWIS).

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

My colleague, the gentlewoman from San Diego, California (Mrs. DAVIS), I appreciate her helping with this very important recognition of a group of our citizens that have given everything we could ask in order to protect our community.

Many do not know that my district, which includes the San Bernardino National Forest, was as dramatically impacted by this fire as any in the country or any in California. The San Bernardino National Forest has been in desperate condition for some time, in no small part because of serious management problems we have experienced in recent years; also in no small part because of a series of years of serious drought that has allowed the ever-present bark beetle to kind of have its way with our forests. And presently there are literally millions of trees standing tall, but which are dead.

It looks like fall time here in the East, but in our forests it is not fall at all. Instead the trees are yellow because they have died. Indeed, we cannot control that piece of nature; but on Saturday I had the occasion to travel with the Under Secretary who is responsible for the Federal Emergency Management Agency. He is the Under Secretary with homeland defense responsibilities.

As we flew over the forest, there were two things that were very obvious to both of us. The first was that where fire has effectively taken place, the erosion that is bound to take place as soon as the rains start to fall will be a tremendous challenge—to see the Earth move as a result of those rainfalls in the future. It is going to have a huge effect upon our ability to rebuild the forest. But the other factor that was a stark reality was that at least three-quarters of those trees we were so worried about which were standing dead are still standing. Many of those trees were not caught up in the fire, and they are indeed a fire looking for somewhere in the future to happen.

Both the Under Secretary and I immediately saw the challenges that lie before us. Indeed, I would like to spend just a moment expressing my deep appreciation for a community that was ready, for they saw on the horizon this huge challenge that was facing the San Bernardino National Forest.

The firefighters, the law enforcement officers, citizens from the community for months came together learning more and more about the challenge that lay ahead. The Lord gave us a fire about 6 weeks before this big one, and that fire caused us to recognize that it could really happen. In that case, we actually had some 600 people leave their homes in order to protect their own lives. Very quickly it became obvious that real fire, of a nature that we had not seen for perhaps 20 years, was about to take place. And so our people got ready.

Community leaders in every city and town throughout the mountains recognized that we were in this together and

their preparations saved many a life. There is little doubt that the combination of our firefighters, law enforcement officers, and those citizens themselves made all the difference. We are grateful for their recognizing this crisis and being ready to respond.

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

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. BACA. Mr. Speaker, I thank the gentleman and majority leaders on both sides. I stand in support of this resolution, H. Res. 425.

□ 1400

I went out there with the gentleman from California (Mr. LEWIS), and we saw many of the firefighters who were willing to stand up and fight for us. We saw the devastation in our immediate area, but one really cannot explain what happens when a person is willing to go on the battle line.

Many of these men and women were willing to fight for us, when all of us are willing to witness what happens right now, and we saw the fires that are going on, but these men and women continued to go back into the battle because they knew what it meant to save that particular home or save that forest or save our immediate areas in terms of our communities.

I know that my son, Joe Baca, Jr., and I and the highway patrol went directly into the fires and saw some of these homes that were burning, and we saw the firefighters that were willing to fight the fight. They did not ask any questions, but these men and women continued to be brave and continued to work on behalf of us.

I stand in support of this resolution. I commend both sides for coming up and honoring these men and women who are heroes and continue to fight in our behalf, and we need to continue to support individuals that are willing to stand on the line for us.

Mr. FILNER. Mr. Speaker, I rise today to support H. Res. 425, a resolution honoring and commemorating the heroic efforts of the firefighters who fought to save lives and property. These firefighters exhibited resilience and courage, continuing to stay on the lines, often in back-to-back shifts and, in some instances, knowing that their own families were in danger or that their personal homes had been lost.

The fires that swept across Southern California tested our resolve. All of us in the fire's path were forced to wrestle with the magnitude of the destructive force bearing down on our neighborhoods. Clearly, we owe a huge debt of gratitude to the brave firefighters who met this huge obstacle head on, and I think all of us were impressed by the outpouring of compassion in our communities as neighbors helped neighbors, and strangers came to the aid of those they had never met.

I have made a commitment to my constituents to fight for our neighbors as we begin the difficult process of rebuilding. I will be a vocal advocate in Washington for the necessary federal assistance being made available so our neighbors can begin to put their lives back together. Just yesterday, I took part in meetings with the President of the United States when he visited San Diego to tour the fire damage, telling him that our people need all the resources of the federal government marshaled for their support over the upcoming weeks and months. There will be questions that need to be answered about what preparations were made to combat a fire of this magnitude in our region, and I will not pull punches in getting to the bottom of any culpability that could have hampered our ability to stop this fire.

In addition to co-sponsoring this important legislation, I have co-sponsored two other important fire related bills. H.R. 3407, the California FIRE Act, to provide $500 million in immediate disaster relief to the victims of the California fires, and H.R. 3431, the Firefighters Medical Monitoring Act, to keep track of the health of the California firefighters after the fires are extinguished. We must ensure that the firefighters who put their lives at risk do not become ill following the fires. I recently voted in favor of the Supplemental Appropriations bill because of the terrible suffering and devastation endured by the citizens of San Diego County as a result of the firestorm, $500 million was added for Federal Emergency Management Agency (FEMA) disaster assistance in California. Last 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.

I know, in a very personal way, the suffering of San Diegans in the recent 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, I support this important bill.

Mr. DREIER. Mr. Speaker, I rise today to express my strong support for House Resolution 425, which recognizes and honors the firefighters and other public servants who responded to the devastating wildfires in Southern California which began last month. I commend Congressman DUNCAN HUNTER and Congresswoman SUSAN DAVIS for their work on recognizing these heroic efforts.

More than 14,000 firefighters from five different states were called upon to fight these fires. Those on the fire lines continue to make excellent progress toward full containment, which in the course of the past three weeks, consumed over 745,000 acres, destroyed over 3,500 homes, and took the lives of twenty-two individuals.

Among those lives lost was firefighter Steven L. Rucker, who died in the line of duty on Wednesday, October 29, 2003, battling the Cedar Fire in San Diego County. Steve, just 38 years old, was an 11 year veteran of Novato Fire District. He is survived by his wife and two children. This tragic loss, as well as the hard battle the firefighters are still engaged in, is why we come to the House Floor today.

It is devastating to hear the numbers of people lost, homes gone, and communities that are faced with rebuilding. However, by far greater numbers are the people saved, homes protected, and communities sheltered by the tireless efforts of firefighters. I also want to take this time to recognize all the volunteers who are working at the various shelters, many of whom lost their own homes in these fires.

And while we still look forward to full containment of the fires that have burned in five counties in Southern California, we are already working toward rebuilding, mitigating for potential mudslides and erosion during the rainy season, and looking at every opportunity to prevent another disaster of this magnitude. The firefighters are aided in this by support from a number of federal agencies including the U.S. Forest Service, the Federal Emergency Management Agency, the Small Business Administration, the Army Corps of Engineers, and the U.S. Department of Agriculture's Natural Resources Conservation Service.

We are resolved, in remembering Steve Rucker and the other fire victims, as well as in sharing the devastation with those who lost their homes and businesses, to do all we can to ensure the expedited delivery of federal disaster assistance dollars, to coordinate with federal, state, and local agencies to assist in the recovery effort, and most importantly, to engage in preventing further damage from potentially damaging winter storms.

Mr. Speaker, I encourage all my colleagues to join me in supporting this resolution today.

Mrs. BONO. Mr. Speaker, I rise in strong support of H. Res. 425, a bill recognizing and honoring the firefighters and other public servants who responded to the October 2003, historically devastating, outbreak of wildfires in Southern California.

Whether it be the tragic day of September 11, 2001 or a single structure fire in town, it is the brave firefighter who rushes in when others rush out. It is only fitting then, that we take time to honor these brave men and women who took on the flames that wrecked so much damage in Southern California.

The 45th Congressional District lost twenty-one homes. But I believe if it were not for the valiant efforts of those individuals who risked their lives to battle this blaze, the devastation could have been even worse.

Sadly, we lost Steve Rucker, a 38-year-old fire engineer from the Novato Fire Protection District near San Francisco. Steve, a husband and father, stood up to this fire while hundreds of miles away from his home. The amazing thing is that Steve, and the thousands of other firefighters, fought these flames as if they were threatening their own homes and families. It was a battle fought as much with the heart as anything else.

It certainly takes a special kind of spirit to serve as a firefighter. I know many of these individuals knew this was their calling from the earliest of ages—probably after seeing a bright red fire truck make its way down the street. But from those childhood dreams grew the reality that this job was fraught with danger. Yet still, these men and women pursue with vigor the job that captivated them so many years ago. They work so very hard at protecting us and our homes.

I am also grateful to those in the Red Cross and hundreds of other volunteers who spent their time and efforts comforting the victims of this disaster. I cannot imagine what it is like to lose one's home, but how much more tragic would it have been to have nowhere to go and no one to help. But at this time, strangers turned into family and all that is good about human spirit rose above this disaster.

Californians are full of courage and do not weaken in the face of adversity. The will to rebuild took root even in the darkest of hours. But if not for our firefighters and volunteers, keeping such faith would have been much more difficult.

On behalf of the constituents of the 45th Congressional District of California, I want to thank these individuals for their tireless efforts and extreme bravery during our time of need.

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to each and every firefighter and citizen whose dedication to our communities and families of Southern California again demonstrated exceptional spirit and strength in a time of disaster. Our nation is fortunate to have dedicated citizens who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Our firefighters confronted the unprecedented fires which swept through our region with unwavering courage. They exemplify community leadership. I was fortunate enough to accompany President Bush yesterday as he thanked these spirited public servants and talked to the victims and survivors of the Southern California fires.

Without the dedication and tireless passion of our Firefighters and public servants there would have been even more extensive destruction of property and devastation of lives above and beyond the 3,300 homes and 4,000 other structures destroyed and hundreds of thousands of acres burned. Our Firefighters fought and finally brought under control these devastating wildfires and continue in aiding the victims left homeless in the wake of the destruction.

I know I speak for all the people from California's 44th district when I say that our thoughts and prayers have been with the firefighters as they worked vigorously to contain and control the wildfires. Laboring day and night in extreme conditions, the firefighters that responded to the Southern California wildfires will always have our nation's respect for their dedication to their profession. There is no better example for Americans than those who stare down adversity and meet every challenge with true conviction, just as the firefighters have done during this very difficult time.

While the firefighter worked tirelessly on the front lines of the fires, the support personnel that were tasked with an overwhelming job of reconstruction and recovery are equally honored for their efforts. Often it is the aftermath of a crisis that brings the most arduous challenges. The dedicated public servants that have come to the aid of their victims of the Southern California wildfires are to be commended for their ongoing contributions. Law enforcement, medical personnel, emergency responders, and community leaders have all come together to complete a daunting task; recovering from the loss of loved ones and property, and rebuilding in the aftermath.

I am proud to cosponsor H. Res. 425, recognizing and honoring the firefighters and public servants who responded to the October 2003 Southern California wildfires. I am sincerely grateful for the leadership and sacrifice firefighters and their families endure in order to secure property and protect our lives. As a native Southern Californian I know that our communities will persevere through this tragedy and successfully rebuild our beloved homes and families. We all stand ready to help in any way I can.

Mr. SCHIFF. Mr. Speaker, I rise today to support House Resolution 425 honoring the heroic efforts of the firefighters and safety personnel who responded so bravely to the devastating outbreak of wildfires in Southern California.

At the peak of the blazes, more than 14,000 firefighters from across California and several other Western states were deployed over hundreds of miles in an arc around Los Angeles and into San Diego County as far south as the Mexican border.

These courageous men and women have gone far beyond the call of duty. Fighting fires that took the lives of 20 people, destroyed more than 3,400 homes and scorched more than 750,000 acres since igniting in different locations around Southern California nearly two weeks ago, they worked around the clock, despite considerable risk to their personal safety, in order to ensure the well-being of the nearly 100,000 evacuated residents.

And as the evacuated sought safety and shelter, the American Red Cross, the Federal Emergency Management Agency, and a number of similar organizations mobilized hundreds of volunteers to assist in providing clothes, food and other essential items to the many who were forced to abandon all of their possessions. As the rebuilding process begins, these same agencies and organizations will serve as a helping hand to too many Southern California residents whose homes have been either badly damaged or lost.

I would like to pay special recognition to the firefighters in my California District who were called upon to fight these blazes. Coordinated by the Glendale Fire Department, firefighters from my District were called to battle one of the very earliest blazes and for two weeks after the first blaze, devoted almost every resource in the District to assisting in the effort to knock down these fires. I have no doubt that their heroic actions saved thousands of lives.

This is a devastating time for Southern California residents. I send my deepest condolences to the families who have lost loved ones and to the thousands who have lost homes to these fires. It is only then appropriate that through the passage of House Resolution 425 we honor the actions of the firefighters and safety personnel who prevented the additional loss of life and property. I urge all Members to support this resolution and pay respect to some of our Nation's bravest heroes.

Mr. GOODLATTE. Mr. Speaker, I rise today in support of House Resolution 425 honoring those who fought the devastating fires that have struck Southern California. In particular, I want to mention Steven Rucker, 38 years old and the father of two young children, who died fighting the Cedar fire, which began on the Cleveland National Forest and moved over 25 miles in less than 10 hours. He joins the roll of 29 other wildland firefighters who perished this summer across this country. Every wildland firefighter who takes up this occupation knows that on the next fire, they could face a similar fate.

Brave men and women choose the profession of firefighting with a keen awareness of the dangers inherent in the job. What they do requires bravery similar to that required of our armed forces. However, they fight a foe that isn't driven by ideology, or religion, or a lust for power. Wildfire has none of these motivations, and is something altogether more unpredictable as a result. If not for the efforts of our firefighters, many more homes and businesses, not just in California but across the country, would be lost, and many more civilians would have lost their very lives.

House Resolution 425 focuses on the Southern California fires, which are fresh in our memories. However, I think it's important that we recognize that wildland firefighters face these dangers in many states across the country. Wildland firefighters have died on the fire ground in States as diverse as Florida, Arkansas, Indiana, Montana, New York, Wisconsin, Texas, Louisiana, and Oregon over the last ten years. Moreover, when wildfires strike anywhere in the United States, wildland firefighters from across the country—Federal, state, and local—mobilize to defend our forests, our homes, our families, from the devastation brought about by catastrophic fire.

The firefighters who bravely face these infernos also understand something that many here in Washington are just beginning to grasp; that these wildfires are getting worse because we've tied the hands of our Federal land managers and prevented them from addressing hazardous fuel buildups. We have a bill that begins to address this issue, and I hope we can work with the other body to finish that important work soon.

I am saddened by the loss of life and the destruction of our resources that we witnessed in the last weeks. I am humbled by the bravery of our wildland firefighters and the tenacity of all our first responders without whom the disaster in California would have been far worse. I am honored to join my colleagues whose constituents have suffered so much in recent weeks in passing this resolution.

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

The SPEAKER pro tempore (Mr. TERRY). All time has expired.

The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the resolution, H. Res. 425.

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

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 1904. An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

FRANCIS X. MCCLOSKEY POST OFFICE BUILDING

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3379) to designate the facility of the United States Postal Service located at 3210 East 10th Street in Bloomington, Indiana, as the ''Francis X. McCloskey Post Office Building.''

The Clerk read as follows:

H.R. 3379

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

SECTION 1. FRANCIS X. MCCLOSKEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3210 East 10th Street in Bloomington, Indiana, shall be known and designated as the ''Francis X. McCloskey Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Francis X. McCloskey Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 3379 designates the facility of the United States Postal Service located at 3210 East 10th Street, Bloomington, Indiana, as the Francis X. McCloskey Post Office Building. Congressman Frank McCloskey, a six-term Representative from Indiana, sadly passed away at age 64 on Sunday, November 2, 2003.

Mr. Speaker, I want to join with the gentleman from Indiana (Mr. HILL) in offering the deepest sympathies to the family of Frank McCloskey and to say to the Chair and to the other Members of this House, Frank was an extraordinarily caring individual, tremendously hardworking, a gentle man and a very effective Member of Congress. Mr. Speaker, he was a devoted Member of this body, with whom many of us served, and we are all saddened to hear the news that he had passed away on Sunday and are grateful for the opportunity to remember him here today.

Mr. Speaker, I urge passage of H.R. 3379.

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 3379, and I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

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

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

Mr. Speaker, I rise to pay tribute to an old friend and dear colleague. Frank McCloskey and I came to Congress together in 1983, and for all the time that he served here, we sat beside each other on the Committee on Armed Services. I enjoyed him as a person. He became a good friend. I admired him as a colleague. I learned a lot from him.

Frank was plain and unpretentious, but beneath a serious and even studious sort of demeanor, he was passionate about the things that he believed in and dogged in their pursuit. He stayed on top of the issues. We get confronted continually with issue of all sorts.

I will never forget the morning after Reagan made his SDI speech, March 1983. Frank was the one member of the committee then who was probing the Defense Department witnesses about strategic defense. He was skeptical but he was always, always informed and diligent and fair-minded as a critic. Long before Srebrenica, he was troubled, deeply, personally conflicted about the war and current issues in the Balkans, and he was an early advocate and lone supporter of our intervention there. There were those who said it was not feasible, it was not possible or it was not desirable, but in the long run Frank McCloskey's position was vindicated.

Frank McCloskey was not glib. He was not flashy. He was not smooth. He was not, in Sam Rayburn's famous analogy, a show horse, but he was a workhorse. He took his job seriously and never himself. He was never one to preen or pontificate. There was no conceit about him. He was a plain spoken Hoosier who worked hard in the House, worked hard for his constituents, and every election ran hard to hold on to his seat.

Frank was gone from the House before we really knew it, and now he is gone altogether. Naming this post office after him is completely appropriate, though it seems a small gesture. This does give us, however, at least the chance to say to an old colleague whom we greatly respected, well done. Well done for all the years you served here. Well done in all your friendships you have given to us, and also to say to Frank and his family, we have never forgotten you, and this bill proves it.

I hope this post office will also give his constituents, whom he served so well, cause to remember him and all that he did for them. Our hearts go out to his family. We understand their grief. We share their loss, but we hope that they will take solace in hearing his old colleagues here in the House say that the years he spent here were years well spent in service to his country.

While he left here more than 8 years ago, I believe his example still shines among us, as the passage of this resolution will demonstrate.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Indiana (Mr. HILL), the sponsor of this legislation.

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

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

Mr. Speaker, this past Sunday we lost in Indiana another man by the name of Frank. A couple of months ago we lost our Governor, Frank O'Bannon, and this past Sunday, we have lost Frank McCloskey.

Frank was born on June 12, 1939, in Philadelphia, Pennsylvania. He graduated from Bishop Kendrick High School in Norristown, Pennsylvania in 1957, and got his undergraduate degree at Indiana University in 1968, his law degree at Indiana University in 1971. He served in the United States Air Force from 1957 until 1961. He was a newspaper reporter from 1961 to 1968. Admitted to the Indiana bar in 1971.

He became mayor of the great city of Bloomington, Indiana for 10 years, from 1972 until 1982. He was elected at the ripe old age of 32 years of age. He was in the U.S. Congress from the 8th District from 1983 until 1995.

He was an attorney, he was a good guy, and we are going to miss him. We are losing too many Franks in Indiana. Frank was a special guy. I like what the gentleman from South Carolina (Mr. SPRATT) had to say about Frank. He was a good and decent fellow, mellow, mild, dedicated, especially to the cause in Bosnia and made many trips over there. He was a good Congressman.

He created some controversy in this House on an election one time, and I think some Members still remember that, but the House has always been full of controversy, and we look beyond that in these kind of special things that happen to people in their lives.

It is the right thing for us to do today to honor Frank McCloskey by naming this post office after him.

I spoke with Frank last week in the hospital, and he told me he did not want to go. He was still fighting, wanted to fight to live, but he actually told me that he thought that he was not going to win this fight, but he went down swinging.

We have always respected that element in Frank McCloskey. He was a fighter for the things that he believed in, to the last day that he died.

My heart and my prayers go out to Roberta, his wife; his daughter, Helen; and his son, Mark, and to the people of Bloomington, Indiana who loved Frank McCloskey. They will miss him, I know, but we honor him here today by naming this post office in the city that he loved, in Bloomington, Indiana.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from Indianapolis, Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I would commend my colleague the gentleman from Indiana (Mr. HILL) who represents the district that the Honorable Frank McCloskey represented so well, and certainly appreciate very much the fact that he has expedited this measure to the floor today on behalf of a great man.

Congressman Frank McCloskey passed away Sunday after a long battle with cancer, and as my colleagues already know, the Honorable Frank McCloskey served more than 10 years as mayor of Bloomington and was an elected Member of Congress for 6 years.

What I think, Mr. Speaker, that I would emphasize today is that this country has produced great scientists. When I fly back and forth from Indianapolis on a weekly basis, I think about the incredible brilliance of the Wright brothers who taught us how to annihilate space and circumscribe time, and I am wondering when and where and how we will be able to amass that same kind of talent to eradicate this deadly, deadly disease called cancer.

Frank McCloskey was a very strong man who brought to the ears and eyes of America the problems with ethnic cleansing among the Balkans in Bosnia, a very courageous and decent individual, and I know that his wife Roberta is full of pain, even though she would not want to see him in pain any longer. His congressional career, the leadership that he exhibited, the fact that he worked at the local bases and was just an ordinary person, a reporter for the Star and the Herald-Telephone in Bloomington, and the City News Bureau in Chicago, named director of the Kosovo programs for the Democratic National Institute for International Affairs, where he was teaching leaders how to govern democratically.

I am pleased to support this effort by the gentleman from Indiana (Mr. HILL) on H.R. 3379 designating the Frank X. McCloskey Post Office in memory of the former Frank McCloskey, to the citizens of Bloomington and, yes, to the entire State of Indiana, and I urge all of my colleagues to support this legislation and keep Frank and his family very near and dear in our thoughts and prayers.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 3379, a bill to designate the Bloomington, Indiana, post office in honor of the late Congressman FRANK McCloskey.

Indiana has lost one of its more dedicated and valued public servants. Frank McCloskey, his sincerity, his compassion for people not only here in America but around the world, was very profound.

I served with him on the Committee on Armed Services when I was a new Member here, and he was very informative because in the 1993 time period he was very eager to teach a new President at that time about the plights in Bosnia, at a time where our country wanted to turn more inward, and he wanted to focus us more outward.

As I look back on that, a lot of things that Frank spoke of came to pass, and for that reason, for his public service, not only as the mayor of Bloomington but also what he helped do for our country in a very difficult time in the world, this is an honor fitting of the gentleman, and for that, I urge my colleagues to join me in support of this bill.

□ 1415

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. VISCLOSKY), the pride of northeastern Indiana, and my neighbor and friend across the water.

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

Mr. VISCLOSKY. Mr. Speaker, I want to join my colleagues in asking all of the House to support this resolution on behalf of a great American, a true Hoosier, and an outstanding public servant, that is, the former Indiana Congressman, Frank McCloskey. Frank devoted his life to serving people, whether it was in the military service of our country, whether it was as a mayor, whether it was as a Member of Congress, or subsequently as a private citizen. He was a man of great passion over those things that mattered to him and those things that mattered to people who could least defend and protect themselves.

Frank McCloskey was a noble man engaged in noble work, and he was a man of courage. The gentleman from Indiana (Mr. HILL) mentioned he was courageous to the last breath that he took. He was always courageous in the words he spoke and in the actions he took in the House of Representatives. Frank did come to Congress in 1983, and he served his district with distinction for 12 years. He was passionate about helping working families, their children and their parents.

It is also said, and it is certainly true, that Frank was as much at home in the coal mines of southern Indiana as he was in the halls of Congress. Frank authored legislation for children to make sure that companies could not send free samples of drugs or cleaning products through the mail without child safety caps. In 1990, he authored other legislation against deceptive practices.

But subsequent to his public service in the United States Congress, he acted most nobly when he took great interest in humanitarian issues worldwide. He was one of the first U.S. public servants to visit Bosnia when it was embroiled in warfare and ethnic cleansing. He successfully brought the suffering to the attention of the American people, our government, and championed humanitarian intervention; and he continued that work throughout his life.

In 2002, Frank was named director of the Kosovo Programs for the National Democratic Institute for International Affairs, where he taught other leaders from around the globe how to govern democratically. I would close by again reflecting on Mr. McCloskey's courage, courage of his convictions, of his life, and of his commitment to everyone.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from Indiana (Mr. HILL) for making this resolution possible this afternoon.

Mr. Speaker, it is with great personal sadness that I rise to pay tribute to Frank McCloskey, who passed away on Sunday surrounded by family and friends, and that is exactly how he lived, surrounded by family and friends. Frank was a respected colleague in this body, a dear friend and a faithful public servant. He was the mayor of Bloomington for 10 years. He was just out of law school when he was elected mayor of Bloomington, and he was always in touch with his district. He was so proud to represent Indiana in the Congress, and those of us who served with him learned from him every single day about the wonders of Indiana and about the prospects for our great country.

Frank was a fighter, a gentleman, a diplomat, a lovely and gracious man, but a fighter. He believed in causes greater than himself, and he worked tirelessly to achieve them. Anyone who served in Congress with Frank knew once he grabbed hold of an idea, he did not let go. In his work on the Committee on Armed Services and Committee on Foreign Affairs, he knew that our highest priority as Members of Congress was to provide for the common defense. He honored that commitment and became an expert on national defense policy. He was passionate and eloquent in his support for the people of Bosnia and a leader in stopping the genocide there. What a source of pride that must have been for him. The gentleman from Connecticut (Mr. SHAYS) is nodding his head and acknowledging that Mr. McCloskey was such a champion for human rights and respecting the dignity and worth of every person. He cared deeply for the people of Bosnia and refused to believe that the United States could not stop the atrocities occurring there. On that issue, Frank was ahead of his time, as he was on so many issues.

I thank the gentleman from Indiana (Mr. HILL) for his work to designate the Francis X. McCloskey Post Office Building. Frank served on the post office and civil service subcommittee, and I know it would be a source of great pride to have a post office named in his honor.

Our thoughts and prayers are with Roberta and their two children. I had

the pleasure of being in their company on a number of occasions and spoke to Frank as recently as last week. He was still a fighter and was fighting to get through this rough patch. But he knew that he had wonderful things in store, but they might not be with us here on Earth. We hope it is a comfort to Roberta and Frank's children that so many people share their loss. We miss Frank not only as a colleague, but as a precious and dear friend. He was a leader. People who never met him benefited from his great service in this Congress of the United States. Again our sympathies go out to his family, to his constituents whom he cared so much about, and I thank again the gentleman from Indiana (Mr. HILL) for making this tribute to Frank possible.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

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

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

Mr. Speaker, Dr. Martin Luther King, Jr., once remarked, ''An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity.''

Today as we note the untimely passing on Sunday afternoon of our friend and former colleague, Indiana Congressman Frank McCloskey, who lost a year-long battle with cancer, let it long be remembered that this Hoosier embraced not only the important concerns of his constituents in southwest Indiana, but also the broader concerns of all humanity.

In the early 1990s, I worked very closely with Congressman McCloskey and others to call attention to the atrocities and ethnic cleansing perpetrated by Slobodan Milosevic and his henchmen in Bosnia. Many in the international community, indeed many in this country, looked away. Frank McCloskey did not.

A fact-finding trip to Bosnia in 1991 stirred and galvanized Frank's passion. As a member of the Committee on Armed Services and Committee on Foreign Affairs, Congressman McCloskey was among the first in Congress to call for air strikes against Serbian positions in Bosnia-Herzegovina from which Bosnians were being shelled and murdered. Frank urged that Slobodan Milosevic be tried as a war criminal, which now is happening. He and I worked to lift the arms embargo against Bosnia, and he was not shy in criticizing the Clinton administration when he disagreed with its handling of that conflict.

Mr. Speaker, political expediency practically demanded that Frank McCloskey focus on shoring up his position in the 8th Congressional District. As is well known, he won his first election to this body in 1984 by four votes. But in spite of the fact that he won six congressional races in one of the most competitive districts in America, political calculation did not crowd out the humanity in Frank McCloskey's heart. He was commanded by conscience to do what he believed was right.

Frank McCloskey lived a full life serving in the Air Force, working as a newspaper reporter, and serving as Bloomington's mayor for 10 years before he was elected to this Congress.

Let me close, Mr. Speaker, by quoting John Kennedy who inspired Frank and inspired many of us in this body. Kennedy said: ''I believe in human dignity as the source of national purpose, human liberty as the source of national action, the human heart as the source of national compassion, and in the human mind as the source of our invention and our ideas.''

Mr. Speaker, those were words that Frank McCloskey lived by. We mourn his loss and offer our condolences to Roberta, his wife of 30 years, and his two children, Helen and Mark, as well as his family and many friends. Frank McCloskey made this a better body. He made this country better. We mourn his loss.

Mr. Speaker, Dr. Martin Luther King, Jr., once remarked that: ''An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity.''

Today, as we note the untimely passing on Sunday afternoon of our friend and former colleague, Indiana Congressman Frank McCloskey—who lost a year-long battle with cancer—let it long be remembered that this Hoosier embraced not only the important concerns of his constituents in southwest Indiana but also the broader concerns of all humanity.

In the early 1990s, I worked very closely with Congressman McCloskey and others to call attention to the atrocities and ethnic cleansing perpetrated by Slobodan Milosevic and his henchmen in Bosnia.

Recall that as the former Yugoslavia disintegrated and Milosevic trained his fury on Bosnia, millions were displaced, hundreds of thousands were killed, and tens of thousands were raped and tortured.

Many in the international community—indeed many in this country—looked away. Frank McCloskey did not.

A fact-finding trip to Bosnia in 1991 stirred and galvanized Frank's passion, which, as the Indianapolis Star said on Monday, dominated both the twilight of his life and his political career. At the time of his death, he was the Director of Kosovo Programs for the National Democratic Institute for International Affairs, where he taught leaders how to govern democratically.

Back in the 1990s, as a member of the Armed Services and Foreign Affairs Committees, Congressman McCloskey was among the first in Congress to call for air strikes against Serbian positions in Bosnia-Herzegovina. He believed such strikes were needed to prevent hostilities from spilling over to Croatia, Kosovo, Macedonia and other provinces.

Frank urged that Milosevic be tried as a war criminal, which now in fact is happening. He and I worked to lift the arms embargo against Bosnia. And he was not shy about criticizing the Clinton administration when he disagreed with its handling of the conflict.

Mr. Speaker, political expediency practically demanded that Frank McCloskey focus on shoring up his position in the Eighth Congressional District. As is well know, he won his first attempt at re-election to this body in 1984 by four—yes, four—votes.

But in spite of the fact that he won six congressional races in one of the most competitive districts in America, political calculation did not crowd out the humanity in Frank McCloskey's heart. He was commanded by conscience to do what he believed was right—for his constituents, for his nation, and for humanity, too.

Mr. Speaker, Frank McCloskey crowded an enormous amount of living into his 64 years. He served our Nation for 4 years in the Air Force; graduated from Indiana University with bachelor's and law degrees; worked as a newspaper reporter in Chicago, Bloomington and Indianapolis; and served as Bloomington's mayor for 10 years before being elected to Congress.

Still, though his contributions were many, one cannot help but think that they would have been even greater had he been given the gift of more time in his life.

Let me close by quoting John F. Kennedy, who inspired Frank McCloskey, as well as myself: ''I believe in human dignity as the source of national purpose,'' said President Kennedy, ''Human liberty as the source of national action, the human heart as the source of national compassion, and in the human mind as the source of our invention and our ideas.''

Mr. Speaker, those were words that Frank McCloskey lived by.

We are all the beneficiaries of his tireless efforts on behalf of human rights and basic dignity.

As we mourn his loss and honor him by naming this post office in his honor, I want to express my sincere condolences to his wife of 30 years, Roberta, and his two children, Helen and Mark, as well as his family and many friends.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to second what the gentleman from Maryland (Mr. HOYER) said. Because of Frank McCloskey's life, there are a lot of people alive in Bosnia-Herzegovina, Croatia, Serbia, and Kosovo. He, along with several other Members, did more to sensitize this Congress, which was not very interested at that time in those areas. Neither the Clinton administration nor the Congress, quite frankly, wanted to do anything with regard to what took place. Frank McCloskey went over there and because of his actions did a lot of good and saved a lot of lives.

Also, as many people know, even after Congressman McCloskey left this Congress, he continued his work. He did not let this cause go. I want to rise to salute Congressman McCloskey; and on behalf of all of the people that are alive in Bosnia-Herzegovina, Croatia, Slovenia, Serbia and Kosovo, who may not even know the reason why, I thank

Frank on their behalf and want to let his family know he made a tremendous difference not only for their district, not only for our country, but for our entire world.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me this time and compliment the gentleman from Indiana (Mr. HILL) for bringing forward this resolution, along with the gentleman from Connecticut (Mr. SHAYS).

All of us cared very deeply for our beloved colleague, Frank McCloskey. To his wife, Roberta, to his children, family and friends, to the citizens of Indiana, you sent America a beautiful man to serve here in this Congress.

I can remember when Frank first arrived. We were both babies of the 1980s here. The economy was not so good. He being from the Hoosier State, and I from the neighboring Buckeye State, were fighting to try to restore some economic sanity to the country so people could have decent jobs at good wages and we could manage our accounts in a way that would be responsible for future generations. He was a part of that great struggle of the 1980s. I remember how in the 1990s after his trip to the Balkans, he would come up to us on the floor and say we cannot tolerate this genocide. I remember his very straight, erect figure becoming a bit bent as the weight of that affected him. I could see it in his face. The young Congressman who had come here was taking on a cause that was global in proportion. He truly made a difference. Millions and millions of children will grow up in a different and better world because of the life that he lived.

He was beyond reproach in terms of his honor and his devotion to public service. He always had a good word for us. He was such a pleasant gentleman here. He added to the comity. Partisanship was not the main aspect that drove Frank.

When we look up on the wall of Congress, there is a saying by Daniel Webster which talks about performing something in your time and generation worthy to be remembered. Surely, Congressman Frank McCloskey of Indiana fits that level of achievement as a Member of this precious body of the Congress of the United States, and we send deepest condolences to his family. He made a difference.

□ 1430

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise to mourn with those who mourn, and grieve with those who grieve, with gratitude for my colleague the gentleman from Indiana (Mr. HILL) for his swift and decisive leadership in moving this important legislation honoring a great public servant, Frank McCloskey, to the floor of the Congress of the United States.

When Frank McCloskey breathed his last this Sunday, Indiana lost a leader, but as we have heard again and again from colleagues who served with him and those who simply admired his work from afar, the world community most certainly lost a champion of justice. Congressman Frank McCloskey was a man of courage, courage he demonstrated very recently in his struggle with cancer, staying positive and optimistic even to the very end in all of his public statements to family and friends and neighbors.

But he was also, as we have heard today, a man of genuine courage in public service. In addition to his tenacity in representing the people of southwestern Indiana during six terms in the U.S. House of Representatives, Frank McCloskey will long be remembered for his courage in challenging the United States to confront the genocidal aims of President Slobodan Milosevic in the Balkans.

As a member of the House Committee on International Relations, I had the occasion to speak to former Congressman Frank McCloskey on several occasions about his efforts to confront the evils of ethnic cleansing and what was without exaggeration, Mr. Speaker, his foresight and his vision. Long before the world community and long before the United States, certainly, came to recognize the threat to peace and the deep injustice that was taking place in the Balkans, Indiana's Frank McCloskey came to this floor and spoke with passion.

It is accurate to say as we remember him here and we commemorate him in a building in his beloved home State, that also the name of Frank McCloskey will be remembered by generations of Bosnians. In fact, there are thoroughfares in that nascent nation this day that bear his name. Generations of Bosnians will remember the name of Frank McCloskey of Indiana on a short list of leaders who, across the globe, had the vision to confront the evil aims of the Serbian dictator who beset them.

It has been said long ago that a man who has done nothing for mankind should fear to die. I speak with confidence and humility when I say I am sure Frank McCloskey did not fear to die given his extraordinary contributions to life and liberty in the Balkans. We mourn his loss with his friends, his colleagues, most especially his wife, his family and his children. We strongly support this resolution and this measure to recognize this true Indiana leader.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

In closing for our side, I did not have the opportunity to serve with Representative McCloskey, but from listening to the accolades that have been given to him by his colleagues who did serve with him and know him, it is clear that he was not only honorable, but that he was also seriously committed to what he believed in even if, at the time, there was not the full level of support that one often looks for. I commend the gentleman from Indiana (Mr. HILL) for introducing this resolution. I commend all of the members of the Indiana delegation, all of those who are supportive of this measure. I urge its swift passage.

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

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

I join with the gentleman from Illinois (Mr. DAVIS) in thanking the gentleman from Indiana (Mr. HILL) for introducing this resolution and thanking our colleagues for coming to the floor of the House and reminding us of what Mr. McCloskey has done, just some of what he has done, and to again urge passage of this resolution.

Mr. BURTON. Mr. Speaker, I rise today in honor and recognition of my former colleague and fellow Hoosier, Congressman Frank X. McCloskey, upon his untimely death after a year-long battle with bladder cancer. I strongly support the ''Francis X. McCloskey Post Office Building Designation Act'' (H.R. 3379), renaming the United states Post Office located in downtown Bloomington, Indiana, after former Congressman McCloskey.

Born in Philadelphia, Pennsylvania, in 1939, McCloskey attended high school in Norristown, PA, and entered the Air Force immediately after graduation. After honorably serving his country, McCloskey attended Indiana University, where the received both his undergraduate degree and a Doctorate of Jurisprudence. He then settled down in Bloomington and began his service to both the state of Indiana and our Nation in a most distinguished manner, beginning with his ten-year term as mayor of the city of Bloomington. McCloskey had the highest of aspirations, and was eventually elected to the U.S.House of Representatives in 1982, serving a 6-term career as U.S. Representative from the 8th Congressional District of Indiana.

During his tenure in the House of Representatives, Frank McCloskey became highly involved in the Balkan crisis, introducing several pieces of legislation seeking to avert a humanitarian disaster in the former Yugoslav republics. In the years following his Congressional service, Frank drew upon those experiences in foreign relations and human rights by pursuing formal training in Balkan studies and serving as a mediator in negotiations over territorial disputes in Bosnia. As a result of his dedication and tireless efforts, McCloskey was awarded by being named Director of Kosovo Programs for the National Democratic Institute for International Affairs.

Mr. Speaker and my esteemed colleagues, please join me in honoring and recognizing the service and commitment that Congressman Frank McCloskey gave to his fellow Hoosiers, the American people, and the international community. It is only fitting that we dedicate a last memorial by renaming the Post Office in downtown Bloomington, Indiana, after a man who helped change the course of history and served the public with distinction.

Please join me in supporting the ''Francis X. McCloskey Post Office Building Designation Act.''

Mr. BUYER. Mr. Speaker, today I rise in support of H.R. 3379, a bill to designate the Bloomington, Indiana Post Office in honor of the late Congressman Frank McCloskey. Indiana has lost one of its most dedicated and valued public servants. Frank McCloskey's sincerity and compassion for people, not only here in America, but around the world, was profound. My thoughts and prayers are with his family during this time. I urge my colleagues to join me in support of this bill.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the bill, H.R. 3379.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2559, and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2559, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004

Mr. KNOLLENBERG. Mr. Speaker, pursuant to House Resolution 429, I call up the conference report on the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to House Resolution 429, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 4, 2003, at page H10253.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Texas (Mr. EDWARDS) each will control 30 minutes.

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

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

Mr. Speaker, it is my pleasure to present to the House the conference report on H.R. 2559, the fiscal year 2004 military construction appropriations conference report. This legislation provides funds for all types of construction projects on military installations here in the United States and abroad. These projects include family housing, barracks, training ranges, runways, aircraft hangars and fitness facilities.

I would in particular like to thank my ranking member, the gentleman from Texas (Mr. EDWARDS), for all the great work that he has worked with me on, all the great activity. I also wanted to thank all members of the committee. Let me thank, in addition, the committee staff, including, and I am going to run down the list, Valerie Baldwin, Brian Potts, Kim Reath, Mary Arnold, Tom Forhan, John Conger, Jeff Onizuk and Lieutenant Commander Scott Gray for their support in producing this report. I would also like to sincerely thank Chairman YOUNG and the chief clerk Jim Dyer for their assistance in bringing this negotiation with the other body to a close. Further, I would like to acknowledge the advice and counsel provided by the House Committee on Armed Services. The bill is the culmination of a joint effort with subcommittee chairman HEFLEY and full committee chairman HUNTER.

The conference report today totals some $9.316 billion which complies with the 302(b) allocation for budget authority and outlays. This recommendation is $199 million more than the President's request. These additional funds address critical infrastructure and quality-of-life requirements above and beyond that request. Excluding funds provided for the global war on terrorism and the Iraq/Afghanistan supplementals, the conference report is nearly $1.4 billion, or nearly 13 percent below fiscal year 2003 enacted levels. This year there were significant differences between the House's military construction bill and that of the other body. While we sought to preserve funding for military construction in Europe and Korea and to support the quality of life and operational readiness of our forces abroad, the other body chose to significantly reduce overseas funding to support projects here in the United States.

I am pleased to inform my colleagues that this conference report strikes a balance between both these approaches. We preserve the most critical overseas requirements for the services, but brought the balance of the funding for other overseas projects back to the United States to fund critical infrastructure here. While the House aggressively supported the President's request and the priorities of the combatant commanders in this conference report, we share the concern of the other body about funding overseas projects in light of the ongoing review of our overseas footprint. The review currently being conducted by the Department of Defense will determine our long-term overseas basing strategy and will thus help us set funding requirements to support our forces abroad. It will be absolutely essential for both military construction subcommittees to have the completed plan prior to moving forward with the military construction appropriation for fiscal year 2005. We look forward to receiving this plan in the very near future.

Though this conference report is below the fiscal year 2003 enacted levels, we are fully supporting the military's mission critical infrastructure needs and quality-of-life initiatives. We are able to do so in large part because we are getting far more ''bang for the buck'' through innovative programs such as the Military Housing Privatization Initiative, barracks privatization and utilities privatization. These programs are enabling the services to rapidly replace family housing and infrastructure at a cost that is dramatically lower than what we could ever have afforded through traditional military construction appropriations. Our motto is to let the military do what they do best, which is defending America.

In short, we are doing it smarter, not harder, and the beneficiaries are single soldiers, military families, men and women serving our country around the world and the U.S. taxpayers. We have and will continue to support sweeping quality of life improvements for those in the military.

This conference report was forged through the compromise of both bodies of this Congress. This report directly supports the men and women in uniform, fully funds projects vital to our national security, provides critical infrastructure support to ongoing operations worldwide, and fully funds our efforts to improve the quality of life of our military personnel and their families. It is a fair report. I encourage my colleagues to support it.

MILITARY CONSTRUCTION APPROPRIATIONS BILL - FY 2004 (H.R. 2559)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Military construction, Army	1,472,022	1,602,060	1,533,660	1,255,155	1,448,239	-23,783
Defense emergency response fund (DERF)	211,688	---	---	---	---	-211,688
Subtotal	1,683,710	1,602,060	1,533,660	1,255,155	1,448,239	-235,471
Rescissions	-49,376	-66,050	-183,615	-183,615	-183,615	-134,239
Supplemental appropriations (P.L. 108-11)	2,000	---	---	---	---	-2,000
Total	1,636,334	1,536,010	1,350,045	1,071,540	1,264,624	-371,710
Military construction, Navy	1,095,698	1,147,537	1,211,077	1,195,659	1,238,458	+142,760
Defense emergency response fund (DERF)	209,430	---	---	---	---	-209,430
Subtotal	1,305,128	1,147,537	1,211,077	1,195,659	1,238,458	-66,670
Rescissions	-1,340	-14,679	-39,322	-39,322	-45,622	-44,282
Supplemental appropriations (P.L. 108-11)	48,100	---	---	---	---	-48,100
Total	1,351,888	1,132,858	1,171,755	1,156,337	1,192,836	-159,052
Military construction, Air Force	891,650	830,671	896,136	1,056,377	1,067,751	+176,101
Defense emergency response fund (DERF)	188,597	---	---	---	---	-188,597
Subtotal	1,080,247	830,671	896,136	1,056,377	1,067,751	-12,496
Rescission	-13,281	---	---	---	-23,000	-9,719
Rescission (P.L. 108-7)	-18,600	---	---	---	---	+18,600
Supplemental appropriations (P.L. 108-11)	152,900	---	---	---	---	-152,900
Total	1,201,266	830,671	896,136	1,056,377	1,044,751	-156,515
Military construction, Defense-wide	836,345	695,298	813,613	712,567	773,471	-62,874
Defense emergency response fund (DERF)	33,300	---	---	---	---	-33,300
Subtotal	869,645	695,298	813,613	712,567	773,471	-96,174
Rescission	-2,976	-997	-32,680	-32,680	-72,309	-69,333
Total	866,669	694,301	780,933	679,887	701,162	-165,507
Total, Active components	5,056,157	4,193,840	4,198,869	3,964,141	4,203,373	-852,784
Military construction, Army National Guard	241,377	168,298	208,033	304,085	311,592	+70,215
Military construction, Air National Guard	194,880	60,430	77,105	221,013	222,908	+28,028
Defense emergency response fund (DERF)	8,933	---	---	---	---	-8,933
Total	203,813	60,430	77,105	221,013	222,908	+19,095
Military construction, Army Reserve	100,554	68,478	84,569	73,979	88,451	-12,103
Military construction, Naval Reserve	67,804	28,032	38,992	34,742	45,498	-22,306
Defense emergency response fund (DERF)	7,117	---	---	---	---	-7,117
Total	74,921	28,032	38,992	34,742	45,498	-29,423
Military construction, Air Force Reserve	63,650	44,312	56,212	57,426	62,032	-1,618
Defense emergency response fund (DERF)	3,576	---	---	---	---	-3,576
Subtotal	67,226	44,312	56,212	57,426	62,032	-5,194
Miscellaneous appropriations (P.L. 108-7)	18,600	---	---	---	---	-18,600
Total	85,826	44,312	56,212	57,426	62,032	-23,794
Total, Reserve components	706,491	369,550	464,911	691,245	730,481	+23,990
Total, Military construction	5,762,648	4,563,390	4,663,780	4,655,386	4,933,854	-828,794
Appropriations	(5,185,580)	(4,645,116)	(4,919,397)	(4,911,003)	(5,258,400)	(+72,820)
Defense emergency response fund	(662,641)	---	---	---	---	(-662,641)
Rescissions	(-85,573)	(-81,726)	(-255,617)	(-255,617)	(-324,546)	(-238,973)
North Atlantic Treaty Organization Security Investment Program	167,200	169,300	169,300	169,300	169,300	+2,100
Rescission	---	---	---	---	-8,000	-8,000
Total	167,200	169,300	169,300	169,300	161,300	-5,900

MILITARY CONSTRUCTION APPROPRIATIONS BILL - FY 2004 (H.R. 2559)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Family housing construction, Army	280,356	409,191	409,191	409,191	383,591	+103,235
Rescission	-4,920	-52,300	-52,300	-52,300	-94,151	-89,231
Total	275,436	356,891	356,891	356,891	289,440	+14,004
Family housing operation and maintenance, Army	1,106,007	1,043,026	1,043,026	1,043,026	1,033,026	-72,981
Family housing construction, Navy and Marine Corps	376,468	184,193	184,193	184,193	184,193	-192,275
Rescission	-2,652	---	-3,585	-3,585	-40,508	-37,856
Total	373,816	184,193	180,608	180,608	143,685	-230,131
Family housing operation and maintenance, Navy and Marine Corps	861,788	852,778	852,778	852,778	835,078	-26,710
Family housing construction, Air Force	684,824	657,065	657,065	657,065	657,065	-27,759
Rescission	-8,782	-19,347	-29,039	-29,039	-19,347	-10,565
Total	676,042	637,718	628,026	628,026	637,718	-38,324
Family housing operation and maintenance, Air Force	833,419	834,468	826,074	834,468	816,074	-17,345
Defense emergency response fund (DERF)	29,631	---	---	---	---	-29,631
Subtotal	863,050	834,468	826,074	834,468	816,074	-46,976
Supplemental appropriations (P.L. 108-11)	1,800	---	---	---	---	-1,800
Total	864,850	834,468	826,074	834,468	816,074	-48,776
Family housing construction, Defense-wide	5,480	350	350	350	350	-5,130
Family housing operation and maintenance, Defense-wide	42,395	49,440	49,440	49,440	49,440	+7,045
Department of Defense Family Housing Improvement Fund	2,000	300	300	300	300	-1,700
Rescission	---	---	---	---	-9,692	-9,692
Total	2,000	300	300	300	-9,392	-11,392
Total, Family housing	4,207,814	3,959,164	3,937,493	3,945,887	3,795,419	-412,395
Base realignment and closure account	561,138	370,427	370,427	370,427	370,427	-190,711
General provision (sec. 118)	---	55,000	55,000	55,000	55,000	+55,000
Grand total:						
New budget (obligational) authority	10,698,800	9,117,281	9,196,000	9,196,000	9,316,000	-1,382,800
Appropriations	(10,108,455)	(9,270,654)	(9,536,541)	(9,536,541)	(9,812,244)	(-296,211)
Defense emergency response fund	(692,272)	---	---	---	---	(-692,272)
Rescissions	(-101,927)	(-153,373)	(-340,541)	(-340,541)	(-496,244)	(-394,317)

Mr. KNOLLENBERG. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), chairman of the committee. I just want to say again without Chairman YOUNG's support, we may still be slogging it out, but frankly rising to the occasion as he will and has done numerous times, he helped bring this thing to a closure.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I will be very brief. It is a good bill. There is more we could have done if we would have had more funds available, but we did not. But I wanted to say to the House that this was probably one of the most difficult conferences that we have had in a long, long time. I really rise to say congratulations and compliments to the strong leadership that the gentleman from Michigan provided during this very difficult period of time, and also the gentleman from Texas, the ranking member. They were strong supporters of the effort to preserve the position taken by the House which we thought was a much better position than that of the other body. These two gentlemen and the staff did an outstanding job. I just wanted to take a couple of minutes to compliment them because their leadership was extremely important to get us where we are today, to have this bill on the floor as a conference report.

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

Mr. Speaker, I rise in support of this conference report. It does many good things for our service men and women, providing better housing, health care clinics, day care clinics, training facilities, not only here in the continental United States, in our 50 States, but throughout the world as well, wherever American troops might be training or serving their country. I want to especially compliment the gentleman from Michigan, the chairman, in his first term as the chairman of this important subcommittee, a committee that does work that makes such a difference in the quality of life for our service men and women to whom we know we can never repay our debt of gratitude to them.

□ 1445

At all times the gentleman from Michigan (Chairman KNOLLENBERG) put as his first priority what is best for the service men and women. He was fair. He was thorough. He fought hard for military families, our service men and women, as well as their families, and did a magnificent job in working with the other body and kind of working our way through a maze of very difficult issues; and I really salute the gentleman from Michigan (Chairman KNOLLENBERG) for his leadership along with his very fine staff. I also want to join with the gentleman from Florida (Mr. YOUNG), chairman, in thanking the chairman of the full committee for his involvement and support in this effort to see that we not only fight for quality of health care and training facilities for our troops here at home but that we also should not forget about the sacrifices made by our service men and women serving overseas that are thousands of miles away from their families, oftentimes in harm's way, risking their lives in duty to country; and I thank the gentleman from Florida (Chairman YOUNG) for his many years of leadership in the area of national defense but particularly his deep personal commitment, aside from his title, his deep personal commitment to our service men and women.

Mr. Speaker, I also want to send a message to the administration about this bill today. While the leadership of this committee did a tremendous job in making the most good out of a budget that was underfunded, I would remind the administration for next year that there is an old proverb, I believe it is a Chinese proverb, ''Be careful what you ask for because you just might get it.''

What happened is the administration, probably with a heavy hand from OMB, asked for a $1.5 billion cut in military construction funding compared to last year. I think that is unconscionable to ask for a 14 percent cut in military quality-of-life and training programs at a time when so many American service men and women are at war and, yes, even risking their lives. Because of the good leadership of the gentleman from Michigan (Chairman KNOLLENBERG) and his staff and our staff, we were able to take those inadequate funds and stretch them as far as anybody could stretch them. The RCI housing program, the Residential Community Initiative, is an example of trying to take a limited amount of dollars and stretch them a long way to improve quality of life in terms of housing for our service men and women.

But I hope the administration and the Pentagon and OMB are on notice. Do not play this game of sending to Capitol Hill what they know is an unfair, inadequate budget for military construction with the assumption that somehow magically we are going to find an extra $1.5 billion. We did not find an extra $1.5 billion. Had it totally been up to the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Florida (Mr. YOUNG) and me, I think we would have somehow found that money; but that was above our pay grade, that decision on how much money we had to deal with. And I think as someone who has the privilege of representing 42,000 Army soldiers at Fort Hood in Texas, 17,000 of which are presently serving in Iraq, I think it sends a terrible message to them if next year we were to inadequately fund military construction once again.

So all of that having been said, not a word of it takes in any way anything from the tremendous leadership of the gentleman from Michigan (Chairman KNOLLENBERG) and the bipartisan effort with which he led this effort. If anything, being given such an inadequate funding request from the Pentagon and the administration and OMB, it even adds more respect from me to him for the leadership he showed to get this bill passed, as it will pass in just a few minutes.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support for the conference report on H.R. 2559, the Military Construction appropriations bill for fiscal year 2004. This Member would like to offer particular thanks to the Chairman of the Subcommittee on Military Construction Appropriations, the distinguished gentleman from Michigan (Mr. KNOLLENBERG), and the Ranking Minority Member on the Subcommittee on Military Construction Appropriations, the distinguished gentleman from Texas (Mr. EDWARDS) for their work on this important bill. Furthermore, this Member would like to thank the Chairman of the Armed Services Subcommittee on Military Readiness, the very distinguished gentleman from Colorado (Mr. HEFLEY), and the Ranking Member of the Armed Services Subcommittee on Military Readiness, the distinguished gentleman from Texas (Mr. ORTIZ), for their critical work in authorizing this appropriation.

Furthermore, this Member is very appreciative that the Committee has approved the appropriations of $3 million for the frontage levee segment protecting the Nebraska National Guard Camp at Ashland, Nebraska.

Mr. Speaker, the Nebraska National Guard Camp Frontage Levee Segment is a central element of the Clear Creek portion of the Western Sarpy Levee project. Completion of the Guard camp segment must coincide with the other elements of the Western Sarpy project to assure mutual protection and support from the beginning of the project to its completion. Indeed, without building this section of the levee along the Platte River, the entire levee system will not work; there would be a gap in the levee that would only accentuate the flooding risks and flood volume that would affect the Nebraska National Guard Camp unless this project moves forward with the rest of the levee construction project.

Previously, the Clear Creek Project was authorized at $15.6 million in the Water Resources Development Act of 2000 (WRDA 2000) to provide protection to the City of Lincoln's water supply, I–80, and U.S. 6, BNSF RR (Amtrak Line), telecommunication lines and other public facilities. In the fiscal year 2003 omnibus appropriations bill, Congress included $500,000 for construction start-up costs.

The Nebraska National Guard Camp at Ashland, Nebraska, provides training for Nebraska and other States' Army guard units to maintain mission readiness. The Guard camp levee is an essential element of the Clear Creek structure on the western side of the Platte River since it also is that part of Clear Creek nearest to the Lincoln wellfield. Planning and design funds for the Guard's segment have been previously provided by the Congress to the Department of Defense through the Military Construction appropriations bill. Planning has resulted in development of a more cost-effective frontage levee to replace a previous ring-levee approach.

In closing, Mr. Speaker, this Member urges his colleagues to vote in support of the conference report for H.R. 2559.

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

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

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

There was no objection.

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

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

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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 H.J. Res. 76, and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 430, I call up the joint resolution (H.J. Res. 76) making further continuing appropriations for the fiscal year 2004, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 76 is as follows:

H.J. RES. 76

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 108–84 is amended by striking the date specified in section 107(c) and inserting ''November 21, 2003''.

SEC. 2. Section 8144(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), as amended by Public Law 108–84, is further amended by striking ''November 7, 2003'' and inserting ''November 21, 2003''.

The SPEAKER pro tempore. Pursuant to House Resolution 430, 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 continuing resolution, H.J. Res. 76, just extends the date of the previous CR until November 21. There are no additional changes. It just continues the anomalies that were included in the previous continuing resolutions. So there is really not much to debate here except the date.

I would take just a minute and say that the House passed all of our bills in the summer, but the other body has not concluded all of its bills yet. But we are making some progress. This morning we concluded the conference meeting and the conference report on the energy and water appropriations bill. In addition, we appointed conferees this morning in the House on the foreign operations appropriations bill. So there are three other bills presently in conference, labor-HHS, transportation-treasury; and as I said, foreign operations for which we appointed conferees this morning. There are still four bills that the Senate has not passed; but, Mr. Speaker, we are hoping that we can conclude those and get to the conferences and get the appropriations business for this year completed.

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

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I think this would be a good time to try to analyze exactly why we are in the situation of having to again ask the House to pass yet another resolution keeping the government open until we finish our appropriations work. I note in the CongressDaily A.M. edition of this morning that there is a headline on page 12 which says: ''Senate Nearing Halfway Point on fiscal 04 Appropriation Bills.'' I thought that when a race was run that it would be over when it was over. But the fiscal year ended on October 1 and what this headline indicates is that the other body had not yet even run half the race. So I concur with the gentleman that a lot of these bills are dragging because the Senate has not yet been able to take them up.

But I think we need a little bit more detailed description of what has happened. As I see it, there is one bill which is hung up, the Labor, Health and Human Services bill, which is hung up because there are deep divisions between the two parties in this Congress about how adequately education is funded in that bill, how adequately research is funded under NIH; and there is also, I think, a deep division between us on how workers ought to be treated with respect to their overtime rights. And because our party believes that the bill is woefully inadequate on all three of those counts, we have not supplied votes for it on this side of the Capitol and are still hoping that the majority will come to its senses in terms of recognizing the need to at least provide the money which was provided in the Republican Party budget resolution for education and for special education.

But once we get beyond the Labor, Health and Human Services bill, I find the story even more interesting. The other bill that was passed with deep divisions between the two parties in this House was the District of Columbia appropriation bill. That bill passed almost exclusively with Republican votes because the Republican majority saw fit to include the controversial issue of vouchers. So they went beyond where they could go and still maintain a bipartisan consensus for that bill and in the process lost the votes of most of the people on this side of the aisle.

In the other body, the other body has not yet even taken up that bill because not only Democrats, but I think moderate Republicans in that body, recognize that that bill was passed by the House in a shape too partisan or at least too ideological in order to be able to pass muster. So that is being held up for that reason.

Then we have the Energy and Water appropriations bill which passed both Houses with over 90 percent of the vote. In fact, the Senate vote was unanimous; and yet because of majority party scheduling decisions in the Senate, that bill was not considered until September 16 even though it passed the House on July 18. And I want to say that I am happy that finally today we have come to an agreement in conference. I think the gentleman from Ohio (Chairman HOBSON) did a good job on that. But, nonetheless, it was the majority party scheduling problems in the Senate which delayed consideration of this conference until this week.

Then we take a look at the Military Construction bill, the bill that was just disposed of. That bill passed unanimously in this House, and it passed by a vote of 91 to 0 in the Senate. It passed the Senate on July 11, and yet the bill was held up until today because of differences within the majority party about how the funds ought to be allocated. Then if we take a look at the Transportation bill, that bill passed the House very late in the cycle, September 9. It took that long to pass it because the subcommittee produced a product which not even the majority party Members in this House could support without substantial repair. Finally, after it was somewhat repaired, the bill passed the House with 85 percent of the votes of both parties; and yet it did not pass the other body until October 23, some 3 weeks after the deadline for the fiscal year.

□ 1500

So, again, majority problem scheduling problems determined the delay for that bill.

Then if you take a look the budget for the Department of Veterans Affairs and Housing, that bill passed with over 75 percent support in both parties when it passed the House. The other body has not yet taken up the bill. So, again, we have scheduling decisions by the majority party which have determined that this bill will be late to the gate.

I think there is an understandable reason for that, because the substance of the bill is unacceptable in large part to the veterans community in this country because it shortchanges needed veterans funding by more than $1.3 billion. So I do not blame the majority party for being discombobulated because it is having a debate with itself about how it can correct that problem.

Then we have the Foreign Operations bill, which passed the House on July 24. It did not pass the Senate until October 30, 1 month after the expiration of

the fiscal year. Again, even though that passed the House with huge bipartisan agreement, it was hung up because of scheduling decisions and scheduling problems in the other body by the majority party because their party was split around the edges on issues such as Mexico City and concern about the fact that HIV funding was not adequately handled in that legislation.

Then we have the Agriculture bill, which passed the House on July 14 with support of more than 75 percent of Members of both parties. It passed this House on July 14, well before the end of the fiscal year. But, again, because of majority party scheduling decisions in the Senate, the Senate has yet to take up that bill. That is being hung up, as I understand it, over questions that relate to changing the authorization for the farm bill.

Then, lastly, we have Commerce-Justice-State, which passed this House with over 90 percent of both parties voting for it, and yet the Senate has yet to take up this bill. So, again, a majority party scheduling problem has led to a long delay in consideration of this bill.

I would simply say, Mr. Speaker, I do not know how long it is going to take before the majority party is able to overcome their differences with themselves, but I do hope that they recognize that we are ready and anxious to help if they will produce bills which meet at least minimal standards for meeting the needs of the country in areas such as veterans' health care, education, special education and aid to our local law enforcement officials, who will see a large squeeze on traditional law enforcement programs such as the Byrne Grants, unless some substantive decisions are made that produce a different bill than we are facing today.

Mr. Speaker, that is my analysis of why we are sitting here with so much of the appropriations work still not done.

Mr. Speaker, I yield 10 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me time.

Let me start, as we start almost every one of these discussions, with the expression of respect and affection for the gentleman who chairs our committee, the gentleman from Florida (Mr. YOUNG), one of the best Members of this House. We disagree, obviously, from time to time on issues, but he is a gentleman who runs his committee and leads, to the extent that he can, this institution in a fair manner.

But, Mr. Speaker, I am concerned, because perhaps above his pay grade we have not seen the same kind of fairness extended and the same kind of adherence to good order that ought to happen. My distinguished friend says sometimes below his pay grade perhaps we do not find that either.

Mr. Speaker, this Congress seems destined to end the first session of the 108th Congress in the same hapless and undemocratic way in which we began it. One of our first acts this year was to pass an omnibus appropriations bill on February 13 that wrapped up 11 of the 13 annual spending measures for fiscal year 2003 in one piece of legislation. It was bad enough that we could not finish our work on time and had to pass that omnibus bill 4½ months, a full third of the year, after the start of the fiscal year. But what was even worse was the fact that the Republican leadership dropped that 3,000 page bill on the Members and forced them to vote on it within a few short hours, a 3,000 page-plus bill.

As I said back in February, that was the worst appropriation process that I had seen in 22 years in this body. That was not the desire of the gentleman from Florida (Mr. YOUNG) nor the result of his leadership.

However, we now seem determined to outdo ourselves once again. Here it is, November 5, and only 3 of the 13 annual appropriations bills have been signed into law; Defense, Homeland Security and the Legislative Branch. Another spending bill, Interior, awaits the signature of the President. This body today will consider the conference report on the fifth, Military Construction. At least four other spending bills, however, are likely to be included in a year-end omnibus, Agriculture, Commerce-Justice-State, District of Columbia and VA–HUD, and three others are theoretically, Mr. Speaker, theoretically, in conference; Energy and Water, Transportation-Treasury and Labor-HHS-Education.

I will say, since this was written, it is my understanding there is actually, shockingly, a conference being held on Energy and Water. How do I know? Because the gentleman from Arizona (Mr. PASTOR) told me he was going to one. So I am very pleased to see that. I am convinced if the gentleman from Florida (Mr. YOUNG) were making the decisions, we would have full conferences on every bill that is pending.

But, Mr. Speaker, there is none, as far as I know, except a motion to go to conference on Foreign Operations which was approved this morning, so we cannot really hold them accountable yet.

Mr. Speaker, I am a conferee, duly appointed by Speaker HASTERT, on two of those bills allegedly in conference, Transportation-Treasury and Labor-HHS. But let me say, if there are conference meetings going on today or in the past or in the future, I have not been notified of those hearings. I have not attended any. I do not know where they are occurring. I have not had an opportunity to have any input, nor have the 662,000 people that I represent had a voice in those conferences.

Either no meetings are being held, or duly appointed conferees on our side of the aisle are being purposely, deliberately, undemocratically excluded.

This House passed the Labor-Health bill on July 10. The Senate passed its version nearly a month ago, on September 10. When and where are the meetings, Mr. Speaker? Why are the conferees being deliberately excluded? I have asked the gentleman from Texas (Mr. DELAY) that, and he assures me that we are having ''conferences of the willing.'' I presume that means conferences of those who agree. But the voices of dissent or difference are stifled, ignored and shut out.

This House passed the Transportation-Treasury bill on September 9. The Senate passed its version 2 weeks ago tomorrow, October 23. Are we meeting on that bill? I have no notice of it. If we are, why are conferees on our side of the aisle, appointed by the Speaker, being deliberately excluded from those meetings?

Mr. Speaker, let us face the facts: This leadership is rendering conference committees absolutely meaningless. That is a corruption of the processes of this House. It is a corruption of democracy and the people we represent in this, what we call proudly, the People's House. I do not believe that it is the policy that the gentleman from Florida (Mr. YOUNG) would pursue if he were making the decisions.

I have served, Mr. Speaker, on the Treasury and Labor-Health-Education subcommittees for more than 21 years. I am not a new kid on the block. I am used to being included in conferences. I can never remember a time when Democrats controlled the majority, Mr. Speaker, that we failed to hold real conferences on appropriations bills.

The distinguished gentleman from Florida, my friend for whom I have unlimited respect and affection, he and I have participated in numerous conferences on the Labor-Health bill that went for days, sometimes weeks. I can remember an extraordinary, historic debate between Senator BYRD and Bill Natcher on a very important provision of our bill that went on literally for days. They had a disagreement. They talked about it in conference. Reporters could see it, the public could see it, Members could see it.

There are no conferences that the public can see. There are no conferences the press can report on. Whatever is being done, is being done in secret, undemocratically, unfairly, and it demeans this institution, Mr. Speaker.

There are other conferences other than the Committee on Appropriations. There have been no real conference committees on two of the most important pieces of legislation still facing this Congress, on adding a prescription drug benefit to Medicare and on comprehensive energy reform.

The gentleman from Michigan (Mr. DINGELL), the dean of the House of Representatives, serving on this floor longer than any other Member, has been excluded from the conference to which the Speaker appointed him.

The gentleman from New York (Mr. RANGEL), third or fourth in seniority in

this House of Representatives, excluded from the conference on prescription drugs. He, however, heard there was a meeting. He went to the meeting. He went through the door, and the gentleman from California (Mr. THOMAS) said, ''You are not welcome, Mr. RANGEL. This is only a meeting of the willing. No dissent is allowed in this room,'' except if you happen to be a Republican on the other side of the Capitol, in which case maybe we have to talk to you. But, then again, as we know, Mr. Speaker, Mr. GRASSLEY apparently feels in effect he is shut out.

Mr. Speaker, let me say that it is absolutely outrageous that Congressional Republicans are considering across-the-board cuts to cover a $3 billion gap, we hear, between House and Senate spending bills. We have not been asked, however, to participate in a conference in which you may make the decisions on what to cut.

In the last 7 months, this Congress has passed two emergency supplemental appropriations bills totaling $166 billion. There was zero, none, no debate on how we would pay for those.

There was a bill pending in which the Committee on Ways and Means wants to add $60 billion to the debt confronting this country. No question about how it is going to be paid for, it will just be passed. And yet we worry about how to pay for some $3 billion for election reform, for veterans health care and for money to combat global HIV-AIDS, and how to provide $400 million to the Forest Service so they can fight devastating wildfires in the Interior bill.

Mr. Speaker, if this process were being run by the gentleman from Florida (Mr. YOUNG), you would find the gentleman from Wisconsin (Mr. OBEY) and I standing here and saying we may disagree on this item, that item or the other item, but we have had a fair opportunity, as he gives us in every committee meeting, to state our points, to offer our amendments, to vote. That is not happening. It is not the gentleman from Florida's fault. The leadership of this House demeans the House by not providing for those procedures.

□ 1515

Mr. YOUNG of Florida. Mr. Speaker, I have no further requests for time, so I will reserve the balance of my time.

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

The SPEAKER pro tempore (Mr. OSE). The gentleman from Wisconsin has 10 minutes remaining.

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

Mr. Speaker, I think that what the distinguished minority whip has just told the House is right on the button; and I want to emphasize, I do not believe these decisions, I do not believe that these practices, are being imposed upon the House and the Congress because of the desires of the people who run this committee. This committee has had an honorable tradition of dealing fairly with the majority and minority Members alike ever since I have been here. In my early years, I think junior Democrats were as unhappy with some of the decisions that were made by senior Democrats as some of the Republicans were. The unhappiness was bipartisan. And I think in that sense things have changed because today, many of the decisions that affect the way this committee works are being made, as the gentleman from Maryland said, at a higher pay grade. But I think the result is, unfortunately, that we have many closed-door decisions being reached in a closed-minded atmosphere, and that does the House no good in the long term.

What has happened, I think, is that we have seen almost an unparalleled institutional arrogance on the part of the leadership of the majority party in the way they conduct this House's business.

First of all, they have assured that when each of the appropriation bills has come to the floor, they have come to the floor under conditions which guarantee that no meaningful, comprehensive alternatives can be offered which differ in any significant way with the priorities mandated by the majority party leadership. They bring bills to the floor which have been exempted from the normal rules, processes, and procedures of the House so that the committee product produced by the Republican majority can have the luxury of not having to compete with any other significant approaches. But then, they say that proposals that the minority party seeks to offer will not be granted those same exceptions from the rules and procedures of the House. That creates a very uneven playing field, and it is intended to do that.

And then, when that happens, and when bills pass because we have no way of reaching them and changing them in a significant way, then we run into a situation where, as the gentleman from Maryland (Mr. HOYER) says, in many instances conferences are simply conferences between a few well-connected people on the majority side of the aisle, with no real consultation with the minority. That can occur anytime that the leadership wants to exercise their ability to find 218 votes for their product.

But it is not democracy. It is not the kind of collegial vetting of differences that we have had in this House through the years. It is simply an arrogant assertion of will. It is a power play on the part of the majority party. And the purpose is not just to hold the minority party in check; the purpose is to, by their actions, hold Members of the majority party under control, so that no one does too much thinking for himself, so that no one will dare to say, ''Well, I think there ought to be a different path that is pursued.''

So, Mr. Speaker, having said that, I want to emphasize again, I recognize the effort of the gentleman from Florida to be fair; but I also recognize that sometimes he has to be a loyal soldier, and I think if he were to run these conferences in a way that suited his desires, some of them would be run quite differently.

Having said that, Mr. Speaker, the matter before us, as the gentleman from Florida has indicated, is simply whether or not we should keep the government open for another short period while these differences are resolved. We have no choice but to do so. So I urge a ''yes'' vote on the resolution.

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

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

I rise in support of this continuing resolution. I wish we did not have to have a CR on the floor today. I wish it would have been possible for the Congress to have concluded all of its appropriations bills. The House did, but the entire Congress did not.

Mr. Speaker, we have a two-House, bicameral legislature. And I think that is a great idea, to have a bicameral legislature, where we have the checks and the balances, not only within the three branches of government, but checks and balances within the Congress itself. I will have to admit that there are times when I am tempted to believe that a different approach would be better, such as a one-House legislature. A one-House Congress would be easier to work with, because some of our conferences that we have had this year and in previous years have been very, very difficult and very trying.

But nevertheless, that is our system. We make the system work. We do a pretty good job at it. I would say, Mr. Speaker, to my colleagues that in most of the conferences for this year, the House has prevailed, I think, far more than the other body. So I do not feel too bad about this. But I know it is very time consuming. It gets very frustrating.

But on the issue that the gentleman from Maryland (Mr. HOYER) raised, and the gentleman from Maryland is one of my very best friends and has been for years. He and I work very closely together. We serve on one of the same subcommittees, and the two subcommittees that the gentleman from Maryland (Mr. HOYER) serves on have not been called to conference yet. So obviously, he has not been called to a conference.

But I think, generally, the gentleman from Wisconsin (Mr. OBEY) would agree, that he and I work very closely in keeping each other informed. He will tell me when he has a proposition or a proposal; and if I can agree with him, I agree with him, and I do not have any problem with that just because he is the minority leadership. But if I disagree with him, then I also tell him that; and he understands that. When I go to him with a proposition and tell him what my plan is, sometimes he will agree and sometimes he will not, and the committee settles that. There

are no hard feelings; it is just the idea that the two parties have different general philosophies.

But it works okay. It works well. As my colleagues know, we concluded all of our House bills in the summer when we were supposed to conclude them, and that was partially because of the strong relationship that the gentleman from Wisconsin (Mr. OBEY) and I have and that our subcommittee chairmen and their ranking members have.

Now, on the issue of excluding any member from conference committee or their staff, we do not do that. The Committee on Appropriations does not do that. A lot of staff work goes into preparing the bills and a lot of staff work goes into preparing for the conferences. When that staff work is being done, we keep the minority staff just as involved as the majority staff, and I think that they would admit to that and agree to that.

I would not stand for any member of my committee being excluded from the considerations of the committee. The majority is going to prevail, but the minority has every right in the world to be part of that process. In fact, I remember a couple of years ago that the gentleman from Wisconsin (Mr. OBEY) came to me with a problem that some of the minority staff were not being involved in one of the subcommittee considerations, and I solved that almost more than overnight. I solved that problem in a matter of hours, and I think to the satisfaction of the minority. While the majority is going to prevail, the minority has every right to be a part of the process.

Except for those single-Member States, all of us are elected by about the same number of people. All of us have the same rights as Members of the House of Representatives. I will tell my colleagues as one who believes in this institution, I am going to do whatever I have to do to guarantee that those rights are protected and preserved for all of the Members; again, pointing out that the majority is going to prevail. I recall being in the minority here for a long time, and I did not like it a lot of times when the majority prevailed, but that is the way it is. But I think on the Committee on Appropriations, there are not very many complaints about the issue of the minority being excluded.

Now, I do know that there was an issue last week when, as the gentleman from Maryland (Mr. HOYER) pointed out, that the gentleman from Michigan (Mr. DINGELL) was uninvited to attend a fairly important conference meeting. I did not know about that until I heard the comments on the floor. But I would say this: my leadership believes very strongly in the rights of each individual Member. I will tell my colleagues that all of the committee chairmen were called to a meeting last night actually, and were told, do not ever let that happen again, that every member of that committee or that subcommittee has the right to be involved, and our leadership made it very clear that any committee chairman who allowed that to happen would not be standing in good favor with the leadership.

So we try. Now, nobody is perfect, and I am sure that there are times when there will be complaints, even from majority members, that maybe they were not told in advance or were not told enough. But sometimes, members have an obligation to either do the proper staff work or prepare themselves when things are happening. This is not a babysitting institution. But for the most part, our members are very good about things that they are interested in, inquiring of the committee, inquiring of the staff, making their contribution to what they think should be the outcome. We do the best we can with 435 Members to reach a consensus. But I would just say again, on that issue of excluding minority members or staff from what is happening on the Committee on Appropriations, as long as I am chairman, that will not happen. And if any of my subcommittee chairmen were to permit that to happen, we would have a serious conversation. But I know that all of my subcommittee chairmen believe the same as I do, that the majority and the minority members all have equal rights as Members of this House; but the majority will make the final decision.

Mr. Speaker, having said that, it did not have too much to do with the CR, but I thought I would just make that response.

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

The SPEAKER pro tempore. All time for debate having been yielded, the joint resolution is considered read for amendment, and pursuant to House Resolution 430, the previous question is ordered.

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

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

The SPEAKER pro tempore (Mr. YOUNG of Florida). Pursuant to House Resolution 416 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2443.

□ 1530

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, with Mr. OSE in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Chairman, I yield myself such times I may consume.

Mr. Chairman, I rise in strong support of H.R. 2443, the Coast Guard Maritime Transportation Act of 2003. Before I discuss the bill or make comments on it, I would first like to thank the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the full committee, for all of his efforts on behalf of the Coast Guard and, in particular, for this bill, also thank the gentleman from Minnesota (Mr. OBERSTAR), our ranking member, who certainly has been a champion of the Coast Guard and worked closely with us, and the gentleman from California (Mr. FILNER), the ranking member on the Coast Guard Maritime Transportation Subcommittee, for their help and cooperation with this legislation.

This legislation was developed in a bipartisan manner and deserves the support of all the Members of Congress. The primary purpose of this bill is to authorize expenditures for the United States Coast Guard and the Federal Maritime Commission for the fiscal year 2004.

Title I of the bill authorizes for fiscal year 2004 approximately $7.1 billion for Coast Guard programs and operations. The bill also authorizes the administration's request for 18.5 million for the Federal Maritime Commission.

This legislation will increase funding for Coast Guard programs at a level above the administration's request to ensure that the service can meet its traditional missions and make meaningful progress toward carrying out its homeland security responsibilities under the Maritime Transportation Security Act of 2002.

The bill funds the Coast Guard at levels requested by the President plus an additional $460 million. Of this amount, $70 million is for conducting the mandated U.S. port security plan approvals, $202 million to keep the Deepwater Capital Acquisition Program on track to meet its original 20-year implementation plan, $80 million to install equipment on already delivered C–130J aircraft, $39 million to establish a west coast HITRON squadron, $50 million for

conducting foreign port security assessments and foreign vessel security plan reviews, and, finally, $19 million is for making the Truman-Hobbs bridge alterations.

I am particularly concerned about the funding shortfalls for the critically important Deepwater recapitalization program designed to replace the Coast Guard's aging fleet of vessels and aircraft. From the start, Deepwater has been underfunded, jeopardizing on-time delivery of important assets. The effective accomplishment of the Coast Guard's national and homeland security missions, as well as its ability to sustain the level of performance of its traditional missions, is predicated upon having the required funding to recapitalize its aging assets sooner than the appropriated 20-year plan.

As evidence of this, I attended on Saturday the return of the Coast Guard cutter Dependable from a drug interdiction mission in the Caribbean where it actually had confiscated a record Coast Guard bust. The drug smugglers had dumped about 2,500 pounds overboard and the Dependable and its crew had actually confiscated about the same amount. DEA was there to take control of the substance, to destroy it, but when listening to the discussion and listening to the account of how this took place, it is remarkable that the Coast Guard cutter Dependable, which was commissioned during the 1960s, with a top speed of only 17 knots and an aging frame, was able to counter the drugies with their fast boat with only a rigid-hull inflatable that was like a Corvair chasing a Corvette.

Operation Deepwater is critically needed. I strongly endorse increasing the Coast Guard's overall funding level in order to support a faster Deepwater recapitalization program commensurate with the findings of the Deepwater acceleration plan submitted to the Congress in March of 2003.

In addition to authorizing the Coast Guard's fiscal year 2004 budget and personnel resources, the measure also provides parity between certain Coast Guard and Department of Defense authorities, improves personnel management, and includes provisions to allow the service to better accomplish its traditional regulatory and law enforcement missions.

The recent ferry accident in New York Harbor shows that the maritime transportation will never be perfect. However, the Coast Guard's constant and careful review of vessel and crew minimizes the number of maritime accidents we see in the United States. The service's response efforts also minimize the impact those incidents have in terms of loss of life and damage to property.

I did hold a hearing in New York, on Tuesday of this week, to look for ways in which we can further improve our prevention and response system.

In preparing this bill, the Coast Guard and Maritime Transportation Subcommittee held hearings on the Coast Guard's and the Federal Maritime Commission's budget request and the legislative provisions in the Coast Guard's proposal. The bill contains many of the Coast Guard's legislative requests, as well as items of concern to Members of Congress that were brought to our attention.

Mr. Chairman, I want to take this opportunity to commend the men and women of the Coast Guard. They do an amazing and remarkable job. Their ongoing traditional missions of illegal drug interdiction, of fisheries law enforcement, search and rescue, is always making the news. But what is really remarkable is the job that they are now doing on homeland and port security which is something that is new, that has been added to them since the terrible tragedy of September 11 of 2001.

America benefits from a strong Coast Guard that is equipped to stop terrorists and drug smugglers, support the country's defense, protect our natural resources, rescue mariners in distress, and respond to national emergencies.

We must act now to put the Coast Guard on sound financial footing, to be ready to respond to our increased homeland security demands, and other critical duties that the Coast Guard carries out daily. And the men and women of the Coast Guard are more than prepared to do their mission if we will only give them enough resources, enough assets and enough personnel to do the job. This bill will help ensure that that happens.

Mr. Chairman, I urge all Members to support this piece of legislation.

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

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

Mr. Chairman, I appreciate the good words of the chairman of the subcommittee. I note that our full committee chairman has arrived, and I will curtail my remarks so that the chairman, the gentleman from Alaska (Mr. YOUNG) can speak. But I just want to say to what a difference a week makes and how refreshing it is to be on the floor under an open rule where issues that are of concern to Members can be resolved in open fashion and that we can conduct the work of this committee in its traditional fashion, working in a bipartisan manner.

I respect enormously the work of the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee, and our ranking member, the gentleman from California (Mr. FILNER), and particularly our riverboat captain chairman, the gentleman from Alaska (Mr. YOUNG), who has not only firsthand experience on the water commanding a vessel, but has enormous respect, as I have, for the United States Coast Guard.

The chairman and I served on the Merchant Marine and Fisheries Committee from our very outset of service in the Congress, and through that work, we both came to have a great respect and admiration for the work of the Coast Guard, which started out, along with the Corps of Engineers, as one of the two oldest agencies of the Federal Government in its infancy in 1789. It was known as the Revenue Cutter Service and provided the first revenue and source of funding for our infant republic.

In the years since then, I have, in my observation and my work on the Coast Guard subcommittee, I have observed that there is probably no entity of the Federal Government from which the citizens of this country get a greater return on their investment than from the United States Coast Guard. As a former Commandant once observed, it takes a special person to wear this color blue. And they are all special people, men and women, of the United States Coast Guard.

What I regret about the Coast Guard is that in my 29 years of service, I have seen some 27 new responsibilities added by the Congress to the list of duties that the Coast Guard must perform. But that list of new duties and responsibilities has not been accompanied by a commensurate increase in personnel and in funding. And that has happened under Democratic and Republican administrations and Democratic and Republican Congresses.

Now, we bring to the floor a $7.1 billion bill to deal with the needs of the Coast Guard, and unfortunately, in past Congresses, this bill has not become law because of issues that the other body has wanted to hang on to it and slow down its progress. This time, the authorization has been done through the appropriation process. And I earnestly hope that we are not engaged in yet another exercise in futility getting a Coast Guard authorization passed and that indeed the other body will act expeditiously and not try to tie in unrelated issues to this very important authorization.

I further believe very strongly that although we have provided, I think, a responsible funding for the Coast Guard, it is still inadequate to the responsibilities that the Congress has saddled the Coast Guard with and visited upon it because we felt they could carry out all those responsibilities of drug interdiction and immigration interdiction, and now the homeland security responsibilities. They simply need more personnel and more funding to continue to carry out the job and not stretch the human resources of the Coast Guard as thin as has been done in the last few years.

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

Mr. LOBIONDO. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Transportation.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 2443, the Coast Guard and Maritime

Transportation Act of 2003. The bill is a result of a bipartisan effort, and it deserves the support of all the Members. I especially again want to thank the subcommittee chairman, the gentleman from New Jersey (Mr. LOBIONDO), and the full and subcommittee ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. FILNER), for their help and cooperation in developing this bill.

I want to stress that, again, as the gentleman from Minnesota (Mr. OBERSTAR) has mentioned, it has been a long time since this bill has become a law, and it is time that the other body acts as we pass it today.

I am pleased we are taking the action today to authorize funding for the most important programs of the United States Coast Guard and Federal Maritime Commission.

In addition to authorizing the fiscal year of 2004 FMC budget at the level requested by the administration, this bill authorizes the fiscal year 2004 Coast Guard budget at the level requested by the President, plus an additional $460 million.

Of this amount, $70 million is authorized for the Coast Guard domestic port security activities, $80 million is to equip four C–130J aircraft for Coast Guard missions, and $202 million is for the Coast Guard's Deepwater capital equipment modernization project.

We have also provided $39 million for an armed Coast Guard helicopter squadron, $50 million for Coast Guard foreign port security activities, and $19 million for the alteration of bridges which obstruct navigation.

H.R. 2443 will result in improved operation of the Coast Guard and the Federal Maritime Commission and safer, more efficient maritime transportation.

However, nearly one-third of our exclusive economic zone lies off the shores of Alaska. These waters include the Nation's largest fishery, and sufficient cruise ship and oil tanker traffic. Therefore, I am concerned about the ability of the Coast Guard to carry out its traditional search and rescue, fisheries law enforcement, and vessel inspection missions. There are concerns that some of these missions may be suffering as a result of the new emphasis on homeland security.

I remain optimistic that this legislation will provide the Coast Guard with the resources and legal authorities necessary to get the service back to an acceptable state of mission balance.

Mr. Chairman, all of us recognize the exceptional work performed by the Coast Guard, often under dangerous circumstances.

I urge all my colleagues to support this bill which authorizes sufficient resources for the Coast Guard to carry out its many missions and make necessary improvements of laws governing maritime transportation.

Mr. Chairman, I again speak about the role of the Coast Guard in the great State of Alaska. We have more coastline than all the United States combined and more Coast Guard activities, not only in the fisheries, but again in the oil tanker business, and in the interception of all types of foreign vessels that occur.

□ 1545

I can only compliment my Coast Guard contingency in Alaska for the work they do in adverse conditions, flying in weather that you cannot believe, rescuing people, fishermen, and, yes, even some tourists, recovering them with helicopters and with ships themselves. They have done yeoman's duty day after day in very adverse conditions.

I will again stress, as one of the authors of Homeland Security, and I expressed at that time the Coast Guard be put at the top of the list in homeland security and they were, not at the bottom, which they were under the original proposal.

But I am still very concerned. There is a possibility that their mission, which is actually navigation, safety, interdiction of drugs, of doing duties which this Congress made them responsible for, now there is sort of an emphasis on security purposes and that alone. We must protect and make sure that does not occur, that they have their mission. In fact, I will at the appropriate time, not in this legislation but during the coming year, make a proposal that we take Coast Guard out of Homeland Security, put it back where it belongs and make sure it can do the missions that we have charged them with.

Mr. Chairman, I urge all of my colleagues to understand the importance of this legislation. We will have some amendments offered. We hope to work most of them out before they are offered. We will debate those, and we will finally pass a very good piece of legislation for the United States Coast Guard.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the chairman of our subcommittee, the gentleman from New Jersey (Mr. LOBIONDO); the ranking member of our committee, the gentleman from Minnesota (Mr. OBERSTAR); and the chairman, the gentleman from Alaska (Mr. YOUNG), for bringing us this legislation—and that I was proud to work on it with them. It is a culmination of our work this session examining the Coast Guard mission, with particular emphasis on the funding for the Maritime Transportation Security Act of 2002.

This bill, H.R. 2443, authorizes $7.1 billion, and we hope that this will be sufficient funding for the Coast Guard to carry out the many missions that Congress has given the Coast Guard, including homeland security, search and rescue, marine safety, drug and migrant interdiction and law enforcement.

H.R. 2443 authorizes $39 million for a squadron of what are called HITRON armed helicopters for the west coast. The gentleman from Minnesota (Mr. OBERSTAR) talked about return of investment on this bill. Well, that is true, certainly, of this HITRON helicopter. Since their establishment, the Jacksonville, Florida, HITRON squadron has stopped over $1.5 billion in illegal drugs from entering the United States.

Deployment of the HITRON squadron on the west coast will help stem the flow of illegal narcotics through the eastern Pacific Ocean. If one were to look at this using a cost-benefit analysis, $39 million is spent for the armored HITRON squadron on the west coast, but drugs that are stopped and interdicted are worth more than 20 times that amount.

It is my strong view that the Coast Guard must increase Airborne Use of Forces assets for port security and drug interdiction. The lease option for these aircraft is already in place. The lease provides antiterrorist and antidrug coverage for the next 3 to 5 years while providing flexibility for the Coast Guard to engage in competition to select a permanent multimission cutter helicopter to meet our challenges post-9/11. When these multimission helicopters are deployed, the HITRON helicopters can be returned to their manufacturer at the option of the Coast Guard.

There are a number of changes to existing law which the previous speakers have spoken to. I would again like to thank the members of the committee for their bipartisan effort to put this bill together and look forward to working with them as we work with the Senate to reach an agreement on the authorizing legislation.

Mr. Chairman, I urge my colleagues to support passage of the Coast Guard and Maritime Transportation Act.

Mr. LOBIONDO. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), former ranking member on the Subcommittee on the Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to thank all of the members on the Committee on Transportation and Infrastructure who have worked to bring this bill to the floor.

The Coast Guard has been protecting our shores for more than 200 years, and they have done an outstanding job. The Coast Guard was the first agency to react to the terrorist attack on September 11 and within minutes was guarding our ports and bridges and directing maritime traffic out of New York. This Nation's ports and waterways are still very vulnerable to terrorist attacks, and the Coast Guard is the first line of defense against those wishing to harm us.

This $7.1 billion authorization will go a long way in allowing the Coast Guard to continue its mission while expanding its authority to fight terrorists. This bill will increase the size of the Coast Guard, improve benefits for those serving, increase the authority to inspect foreign vessels, allow additional force against fleeing vessels, and give them the authority to revoke the credentials of individuals that pose a safety or security threat.

I have major concerns when they moved the Coast Guard to the Department of Homeland Security because I fear that it would prevent them from doing their core mission of drug interdiction, search and rescue, enforcing maritime and fisheries laws, and protecting our marine environment. This bill will allow them to accomplish everything we ask of them, but we need to keep the Department's feet to the fire so they can follow the law and not reduce the Coast Guard's traditional mission.

I hope that Members of this body will do the right thing and fund the Coast Guard at $7.1 billion. It is the right thing to do for America.

Mr. LOBIONDO. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 20 minutes remaining. The gentleman from New Jersey (Mr. LOBIONDO) has 19 minutes remaining.

Mr. LOBIONDO. Mr. Chairman, we have no further speakers on general debate. I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan (Mr. STUPAK).

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

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

I would like to enter into a colloquy with the ranking member from Minnesota (Mr. OBERSTAR).

I thank the gentleman from Minnesota (Mr. OBERSTAR) for recognizing the importance of implementing national maritime safety initiatives on our Nation's waters. In a little over a year, carriage of electronic technology for nonvoice chip communication that would exchange navigation and ship data between ships or ship and coastal stations, called the Automatic Identification System, will be required in certain vessels that operate in vessel traffic service zones.

While I certainly understand the need to implement further navigation safety and maritime security on our waters, the fact is that the Coast Guard estimates that the cost of the AIS is over $9,300 per vessel. This is a considerable amount of money for small passenger vessel operators.

In Michigan's first district, small island ferries and the Soo Locks Boat Tours operate small passenger vessels seasonally from May through October that have a maximum capacity of under 300 passengers per vessel. Although most tours and passenger services carry less than 100 passengers per trip, my concern is how are these small governmental transit authorities and small mom and pop businesses in rural America going to be able to bear the extraordinarily high cost of AIS.

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

Mr. STUPAK. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for raising this issue. It is a matter of concern to just that very class of vessel operator that the gentleman has described. The technology known as AIS, automatic identification system, is very sophisticated. It probably has too many bells and whistles for small operators, ones they do not need.

The Coast Guard has come back to reconsider this issue and is working with the International Maritime Organization to adopt what is an international standard that will be far less technologically sophisticated, if you will, than the system they have required, which will give the operator e-mail and other technology downloaded from the signal. They do not need all of that stuff.

What they really need for the small vessels is name, GPS position and bearing, where they are headed; and that is what the Coast Guard will do. That will draw the cost from nearly $10,000 down to $2,000 or less for the small vessels operators, and give them and the Coast Guard the information that they really need without the bells and whistles. So I think that this ruling will be completed by next spring, hopefully in time for the boating season in the gentleman's district and in mine.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for working with us to ensure that the costs of this technology is more conducive to small business. I look forward to working with him and the majority on this.

While I have the ranking member here, I would like to ask him, and thank both him and the gentleman from Alaska (Mr. YOUNG) for their support, including my provision in the manager's amendment calling for the timely review and adjustment of pilotage rates by the United States Coast Guard.

I would ask the gentleman if he knows anything further on this issue that we have raised.

Mr. OBERSTAR. Mr. Chairman, the issue of pilotage rates on the Great Lakes is one of the most vexing matters that I have had to deal with going back to my service with my predecessor as the administrative assistant when we had so many problems with the Great Lakes Pilotage Administration. We once had an administrator of that agency who would go off to his farm in Northern Virginia over the weekends when he was needed most. We could not find him. They needed regulations changed or approvals to undertake certain activities; we could not find this guy. It has just been a big headache over the years. We have shifted back and forth between the Coast Guard and the pilotage administration and who is going to administer it. I think it has now been on track.

Again, pilotage has sort of been a football kicked back and forth between Coast Guard and DOT by the Office of Management and Budget; and in the process, pilots have been stiffed, to be very honest with the gentleman. Coast Guard first developed a rule for pilotage rates, sent it to the Office of Management and Budget. They reviewed it. They sent it back to the Coast Guard. The Coast Guard then sent it to the Department of Transportation because that is where they used to live. Now they live over in the Homeland Security Department.

So Secretary Mineta's staff got right on it, and they worked it over and they said, well, we have these questions. And they asked the Coast Guard to answer certain questions. The Coast Guard questions were then sent to OMB. The OMB sent the questions back and now DOT has asked the Coast Guard to respond.

Secretary Mineta has assured me that his office, his staff will clear the way, hopefully get it done by the end of this week so that the interim rate can be approved, at least on an interim basis, pending a final rule.

It should not have to take this long, I assure the gentleman. I appreciate his advocacy on this issue. Hopefully, this will all get done within a week and pilots can apply their trade.

Mr. STUPAK. Mr. Chairman, I urge the Members to support the legislation, and I urge this committee and this Congress to continue to urge the Coast Guard to follow its own rules and regulation and adjust those pilot rates as soon as possible on the Great Lakes. The season is just about over. I appreciate the gentleman's concern.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), the former ranking member of the subcommittee.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me time. I am pleased we are taking up this bill today. For too many years the needs of the Coast Guard were neglected as we failed year after year to pass authorizing bills, and the amount of funds to the Coast Guard for their mission were inadequate.

Their mission, of course, today, is even more difficult than it was then; but I think that this bill is beginning to recognize the need for more funds, the need for better housing allowances, the need of fulfilling that expanded mission. So I am pleased to stand in general support of the bill before the House.

□ 1600

I mean, the Coast Guard is crucial to my District. I represent more than half

the Oregon coast, difficult port entrances, still an active fishing fleet and pleasure boats, and the Coast Guard is called upon many times to conduct rescues at the risk of their own life and also to do fisheries enforcement, drug interdiction and now, of course, the whole new emphasis on homeland security and all the problems in that.

There are two issues where I would raise concerns. The first, I will have an amendment on later, and that is the potential that the Coast Guard museum, which I support the idea of a Coast Guard museum, could be sited on property taken by eminent domain, and I think Congress should speak clearly on that issue, and I will have an amendment on that later.

The other is something I have raised with the Commandant in hearings, and it is just a general note of concern to other Members of Congress. I feel that the Coast Guard is doing an excellent job in its mission of homeland security, but the one place where I would fault them is as our lead negotiator with the International Maritime Organization.

The International Maritime Organization works by consensus, and often I feel rather than us setting down a hard marker and saying, this is where the rest of the world has to go on shipping, crew certification and safety issues, the Coast Guard gets much too involved in bargaining. We should lead by example with world standards. It is not enough to say, well, we always have port/State control issues where we can board these ships once they get here. No, we do not want those ships on the ocean at all. We do not want ships out there where we do not know who the owners are. We do not want ships out there where we do not know who the crews are, and we do not want ships out there when we do not know what the cargoes are.

Those are extraordinary threats both to the safety, the environment as with the *New Carissa* incident in my district. We had a totally incompetent foreign skipper, who did everything in defiance of good practice and managed to put his ship on the beach, spilling a tremendous amount of bunker fuel, causing an environmental disaster, and the ship is still there. He skipped out of the country before we could put him in jail unfortunately, but I do not think he will be coming back, but there are other skippers like that out there, not to say there are not many good ones.

But we need better crew certification requirements. We cannot have these paper schools that issue certificates. That is what we have got today. We are allowing to say, well, these schools exist in the Philippines. There is no one that goes around to certify that the schools exist, certify the curriculum, certify people have gone through the curriculum. We do not know who the crew members are. We do not have noncounterfeitable ID cards. We do not have a way of knowing better what the cargo is.

The Coast Guard is just starting to work on these things, and they are not taking the toughest position they could in the International Maritime Organization to secure our borders, our security and our safety, and I just want to urge them to redouble their efforts and set a higher standard to protect the homeland of the United States of America.

Mr. OBERSTAR. Madam Chairman, how much time, may I inquire, do we have left?

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Minnesota (Mr. OBERSTAR) has 11 minutes remaining.

Mr. OBERSTAR. Madam Chairman, I yield 5 minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR) guardian of the Jones Act.

Mr. TAYLOR of Mississippi. Madam Chairman, if I could, I would like to engage in a colloquy with either the subcommittee or full committee chairman.

Mr. YOUNG of Alaska. Madam Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Madam Chairman, I gladly will accept a colloquy with the good gentleman.

Mr. TAYLOR of Mississippi. Mr. Speaker, for the sake of the folks who do not know it, I am pleased to mention that the full committee chairman owns his own commercial license as a tugboat captain, so I think he will appreciate this question.

In reading the synopsis, it says the measure requires foreign flagged vessels that depart and return to the same U.S. port without stopping at any other port in between to comply with the safety requirements of the International Safety Management Code whenever any part of the voyage occurs in international waters.

For the folks around here, that would be called a cruise to nowhere. As the chairman knows better than most, there really is not a law that allows cruises to nowhere. It is a Customs ruling going back to about the 1950s, and it has been used by foreign-owned, foreign-manned and foreign-built ships to operate in the U.S. trade. They merely go 12 miles out to sea, turn around and come back.

One of the few things that I thought we had protecting Americans from this glaring loophole in the law was that the Coast Guard at least had to inspect these vessels. If I understand this properly, and this is a colloquy, and I am asking for an answer and, hopefully, something that will stick up in law, I hope by doing this we are not taking a bad Customs ruling and making it the law of the land. A bad Customs ruling we can fix with good administration. I have not had one to do so in the three that I have dealt with, but we could still fix with a good administration.

If this becomes the law of the land, and that is why I am asking for my colleague's opinion, then we have, in effect, taken a bad practice and made it the law of the land.

Mr. YOUNG of Alaska. Madam Chairman, if the gentleman would yield, my concern is that we were going to have another colloquy on something else that is very dear to your heart.

Mr. TAYLOR of Mississippi. I am going to get to that one next.

Mr. YOUNG of Alaska. Madam Chairman, I cannot specifically answer the gentleman's question at this time. It is my intent to make sure the vessels, whatever vessels operate in these waters, will be under Coast Guard jurisdiction, and I think that is what the intent of this is. It is my intent, personally, as chairman.

The gentleman brings up a point about a Customs ruling that can be changed. I do not intend to do anything. As my colleague knows, I support the Jones Act equally as he does, and we will be reviewing this, and I am willing to work with the gentleman as this legislation goes forward to see if we cannot make sure that his and my ideas are implemented because I am not going to get involved right now with the trips to nowhere because I do not know the effect of this legislation on those activities at this time.

Mr. TAYLOR of Mississippi. Madam Chairman, if I may ask this question, is it the intent of this legislation to legalize cruises to nowhere?

Mr. YOUNG of Alaska. To my knowledge, no, and if that is the case, we will be taking care of that as time goes by. I was unaware of it. If that does this, we will be looking at it very closely.

Mr. TAYLOR of Mississippi. Second question, again coming from the synopsis, and I know it is not perfect, but it says the bill would authorize two U.S.-built, -owned and -flagged vessels to enter into the U.S. coastwise trades.

My question is, it has been highly publicized in the New York Times and other publications that through the unintended consequences, and I do mean unintended consequences, of the foreign lease provisions in the 1996 Coast Guard authorization bill that some of these U.S.-owned corporations are actually chartering out of the Bahamas and, therefore, totally avoiding their U.S. tax obligations for vessels that are protected by the Coast Guard, for vessels that use channels that are dredged by the Army Corps of Engineers and God forbid if the vessel is seized by terrorists. That owner would never hesitate to call upon the U.S. Navy Seals to go rescue his vessel.

My question is, do these two vessels fall into that category of being owned by a corporation that has already inverted overseas in order to avoid U.S. taxes?

Mr. YOUNG of Alaska. No, and I believe if the gentleman is talking about the M/V *Coastal*, which vessels is the gentleman talking about?

Mr. TAYLOR of Mississippi. Again, the synopsis says two, does not have the names, just says two U.S.-built, -owned and -flagged vessels.

Mr. YOUNG of Alaska. Madam Chairman, if the gentleman is referring to

page 35, the Bluefin and the M/V Coastal Merchant, I do believe this applies as long as it is retroactive. We do not go back and disown them. We have to probably allow them to continue to operate as American-flagged vessels, these two vessels. There are only two vessels mentioned in the bill.

Mr. TAYLOR of Mississippi. Again, my fear is this is an interpretation that we might actually be putting into law, and I hate to be doing that, and I do not think that is my colleague's intention as well.

Mr. YOUNG of Alaska. Madam Chairman, I can assure the gentleman that it is not my intent to do so at this time. That is why we will have the committee to review it, but if these vessels were actually authorized and they were done under a law of 1976 I believe it is, then we cannot make it say, no, they are no longer eligible.

Mr. OBERSTAR. Madam Chairman, does the gentleman have further speakers?

Mr. LOBIONDO. We are reserving the balance of our time.

Mr. OBERSTAR. Madam Chairman, I yield 2½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Chairman, I thank the gentleman, my friend from Minnesota, for recognizing me, and I rise in support of the manager's amendment that will be offered later, and I want to thank the gentleman from Alaska (Chairman YOUNG), the gentleman from Minnesota (Ranking Member OBERSTAR), the gentleman from New Jersey (Subcommittee Chairman LOBIONDO) and the gentleman from California (Ranking Member FILNER) for their support of my amendment which they have included as part of the manager's amendment.

I also rise in support of the overall bill. The Coast Guard is a vital part of our national security. We must provide them with the tools they need and the funding to successfully execute their mission. I am especially pleased with the funding for the Integrated Deepwater Systems program.

Madam Chairman, I offer my amendment because I continue to have grave concerns about the safety of my constituents should the Indian Point nuclear power plant be attacked. I am concerned about the safety and security of the plant. I have even more concerns about the ability to evacuate people safely, but that is for another debate.

This amendment is simple. It requires that the Coast Guard conduct a vulnerability assessment of the facility. As of January 1, 2003, the Coast Guard had established a permanent safety and security zone around Indian Point. However, the Coast Guard's Hudson River cutter passes Indian Point about twice a week, and its copter only about three times a week.

Indian Point is located in Buchanan, New York, 35 miles north of midtown Manhattan and just a few miles northeast of my district. Almost all of my district is located within the 10-mile radius of the plant, and approximately 20 million people live within the 50-mile emergency planning zone or EPZ.

In addition, as we know, blueprints for American nuclear power plants were found in al Qaeda caves in Afghanistan, and that point bears repeating. Al Qaeda has the plans to some U.S. nuclear power plants.

A study conducted by the Marist Institute found that 82 percent of people living within a 50-mile radius of the plant are concerned about a potential terrorist attack on the facility, moreover, a majority of residents in the 50-mile radius do not feel that the plant is secure and protected against a terrorist attack.

I support closing Indian Point completely. Absent that solution, I am working with my colleagues to ensure that it is the most safe and secure nuclear power plant possible.

Therefore, I urge all my colleagues to support the manager's amendment and the bill.

Mr. OBERSTAR. Madam Chairman, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) has 3½ minutes remaining.

Mr. OBERSTAR. Madam Chairman, I yield myself 3 minutes.

Yesterday, the Subcommittee on Coast Guard and Maritime Transportation conducted a hearing on the Staten Island ferry accident in which 10 passengers were killed. Even at this date, the captain and the pilot of the ferry claim to be too ill to testify before the National Transportation Safety Board. The Coast Guard can take no action against them because they are incompetent or a danger to the safety of a vessel because of their statements and because of a loophole in existing law.

The bill that the committee has reported includes a provision recommended wisely and appropriately by the administration to close that loophole. It does not give the Coast Guard authority to go on fishing expeditions to look at the health records of a mariner, but it does what I have long advocated, provide the Coast Guard authority that the FAA has, to require all mariners that are on medication or have illnesses that could affect their ability to operate a vessel safely, to report those circumstances to the Coast Guard so they can determine whether the individual can operate safely.

Enactment of this legislation is going to close a very troublesome loophole in existing law and result in far better safety on the waters as we have an obligation to provide and should undertake, and I thank the chairman for recognizing that circumstance. I know the chairman has been under enormous pressure, to put it mildly, advocacy, to do something differently, but at the hearing yesterday it became apparent why we need to proceed with the language in the bill, which I strongly support.

Let me conclude by saying, we have an outstanding bill. We have an excellent piece of work.

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I wish we were doing more in personnel and more in funding for the Coast Guard, but I think we have done all we can under the circumstances; and we will continue to work to improve those two areas, personnel and funding, for the Coast Guard in the future.

Mr. PETRI. Madam Chairman, I applaud the vision of the Chairman of the Subcommittee and the Ranking Minority Member in recommending additional helicopter assets to be deployed on the West Coast for drug interdiction and port security. Currently, there are eight leased, armed helicopters based in Jacksonville, FL, which make up the entire Coast Guard Airborne Use of Force capability. Pre 9–11, this Helicopter Interdiction Tactical Squadron (or HITRON) was used solely for drug interdiction, primarily in the Caribbean. Occasionally, some or all of the fleet was sent to the West Coast since about 50 percent of the drug interdiction has occurred in the eastern Pacific. Post 9–11, insofar as possible, these same eight armed helicopters have also assumed port and inland waterway security duties.

Lakes Michigan and Superior form part of the Wisconsin border. Currently the air stations at Travers City, Michigan, and Detroit monitor the Great Lakes from Niagara Falls through Lake Superior. They are already stretched very thinly. To meet increased terrorist threats wherever they occur, the Coast Guard must rob Peter to pay Paul. The humanitarian aspect of the Coast Guard's mission is a constant, so it is imperative that they obtain more assets—ships, fixed wing and rotary wing aircraft.

Since their introduction into the Coast Guard Inventory many years ago, the role of helicopters has expanded. They had primarily been used for search and rescue missions at sea until the introduction of the lighter, armed Sting Rays. Beginning with the introduction of the Sting Rays in 2000, they have deployed as a cutter-based aircraft to pursue, intercept and disable ''go-fast'' boats engaged in drug running. To date, they have intercepted over 30 Tons of illegal drugs valued at more than $2.1 billion. There are just not enough of them to go around!

The Coast Guard motto is Semper Paratus—Always Prepared. As stated on their web site, they are The Shield of Freedom; The Defender of the Homeland; The Port in the Storm and The Enforcer of the Sea. They are indeed all those things and always have been. However, since 9–11, all those things have taken on added significance. To accomplish these missions, they need more assets to meet the increased burden.

Mr. STUPAK. Madam Chairman, I would like to thank Committee Chairman YOUNG and Ranking Member OBERSTAR for their support in including my provision in the Managers amendment calling for the timely review and adjustment of pilotage rates by the United States Coast Guard.

Every foreign vessel that enters the Great Lakes must secure the services of a ship pilot, whose primary responsibility is the safe navigation of the vessel. The rates that American

pilots charge shipping companies for pilotage services are set by the Coast Guard.

The Great Lakes pilotage system performs a critical safety and environmental protection function for the Great Lakes. It doesn't make sense to underfund a pilotage system that is crucial to the largest freshwater body in the world. Yet the Coast Guard failed to complete a rate adjustment of any kind last year. At the beginning of this year it announced that it intended to establish a new rate in time for the beginning of the 2003 shipping season yet with the shipping season now over, that still has not occurred.

The Coast Guard continues to set funding levels for key elements of the pilotage system at 1997 and even 1995 levels. This is particularly disturbing because the Coast Guard regulations require rates to be reviewed and adjusted on an annual basis. Setting rates to 1997 or 1995 levels will inevitably result in the fraying of the Great Lakes piloting system.

It has been reported that the delay of any rate adjustment is a result of objections from foreign shipping companies, which pay for pilot services. I have made the protection of the Great Lakes a crusade throughout my years in Congress. My Congressional District is surrounded by three Great Lakes. I would object in the strongest possible terms if the Coast Guard is placing the bottom lines of foreign shipping companies ahead of adequate funding for a pilotage system that is designated to protect the Great Lakes. The Coast Guard should not put the economic interests of a few foreign shipping companies ahead of the safety of the Great Lakes.

I urge the Coast Guard to follow its own regulations and adjust pilotage rates on the Great Lakes as soon as possible. Until they do so it places the entire Great Lakes in jeopardy.

I urge all members to support.

Ms. MILLENDER-McDONALD. Madam Chairman, I rise to express my strong support for the Coast Guard and Maritime Transportation Act (H.R. 2443).

Specifically, I want to thank the chairman and Ranking Member FILNER for including my amendment in the manager's amendment.

My amendment will provide the Department of Homeland Security the authority to issue port security grants, by amending the Maritime Transportation Security Act.

This is a simple act, but I believe it will go a long way in clarifying the responsibility of issuing port security grants in a timely, predictable and efficient manner.

In November 2002, when the Maritime Transportation Security Act passed this House, the Department of Homeland Security had not yet been created.

Since the beginning of the 108th Congress we have worked to iron out the kinks that go with creating a new federal agency such as the Department of Homeland Security. This is, yet, another wrinkle that I hope has been ironed out.

As a representative from Long Beach, the home of the largest port complex in the country and third largest port complex in the world, we in southern California, as well as other port cities around the country, want to know where the responsibility for issuing port security grants lies.

By clarifying the authority of issuing port security grants it is my hope that we can begin to define the federal role in port security.

Specifically, from this point on, we need to provide more funding for port security and we need to establish a dedicated stream of funding for port security.

Finally, I believe, for the large port security projects, we need to provide the authority for multi-year grants so that our ports and local governments can adequately plan to build their new projects.

In closing I want to reiterate my support for this bill and look forward to continuing to work with my colleagues on the committee on these very important issues.

Ms. HARMAN. Madam Chairman, I rise in support of the Coast Guard and Maritime Transportation Act of 2004.

As the former representative of the Port of Los Angeles, and currently the representative of the communities neighboring the Port, I know the critical role the Coast Guard plays in protecting the nation's ports and sea-borne commerce.

Indeed, even before the events of September 11, the women and men of the Coast Guard worked tirelessly to ensure safe and secure operations in and around the Port of Los Angeles and Santa Monica Bay. Since that date, the role of the Coast Guard has increased in pace and intensity.

The bill before us recognizes the operational tempo of the Coast Guard and helps ensure that it has the assets and personnel to do its critical job.

I also want to point out the bill's endorsement of the Marine Exchange of Los Angeles and Long Beach. Since 1923, the Marine Exchange has maintained a continuous 24-hour operation providing detailed records of all vessel arrivals and departures of the busiest habor complex in America. Jointly with Coast Guard, the Marine Exchange operates a Vessel Traffic Information Service. This program uses state of the art electronic tracking equipment and radar and radio systems to manage all commercial vessels that travel through San Pedro Bay. The Marine Exchange VTS is the first public-private VTS partnership operation in the country that is funded by industry.

This bill notes that it is a national model for other ports to study, evaluate, and emulate and authorizes the Coast Guard to enter into similar cooperative agreements elsewhere in the nation. The VTS keeps the Ports of Los Angeles and Long Beach safe, more efficient, and environmentally protected by assisting with the movement of over 35,000 vessel transits annually and I commend its executive director, Capt. M.H.K. ''Manny'' Aschemeyer, and all those associated with the Marine Exchange for a job well done.

Lastly, I want to express my gratitude to the Chairman and Ranking Member for including in the manager's amendment a proposal first suggested to me by the City Council of Torrance, California. That proposal recognizes the linkage between the critically important roles of both the Coast Guard and the nation's cities in the fight against terrorism and recommends the Coast Guard name a class of vessels in its Deepwater program in honor of specific U.S. cities.

It is my hope that the Coast Guard will respond favorably to the sense of Congress language included in the bill and, in fact, name one of its new ships in honor of the city of Torrance, which has been on the forefront of honoring our Armed Forces and is strategically located on the shore of the Pacific Ocean.

Madam Chairman, I urge passage of the Coast Guard and Maritime Transportation Act.

Mr. HOEFFEL. Madam Chairman, I rise in support of H.R. 2443, the Coast Guard and Marine Transportation Act of 2003.

This legislation highlights the need to expand our Coast Guard aviation assets to fight the war against drugs. I strongly support the provision in this measure which permits the Coast Guard to establish a West Coast fleet of HITRON drug interdiction helicopters. This provision will afford the Coast Guard the opportunity to select a new state-of-the-art, multi-mission helicopter to assist in its drug interdiction efforts.

The HITRON MH–68A Sting Ray was designed, built, and maintained by the Agusta Aerospace facility in Philadelphia. Constructed on the frame of an A109E Power civilian helicopter, the Sting Ray employs state-of-the-art navigation, communication, and avionics equipment.

In 2000, eight Sting Rays were leased to the Coast Guard for the purpose of establishing an armed HITRON Squadron in Jacksonville, specifically for drug interdiction efforts. This Fleet has enjoyed a fabulous success rate in its missions.

HITRON aircrews have interdicted 30 tons of illegal drugs on the high seas valued at more than $2.1 billion. In addition, the Sting Ray is the only Homeland Security helicopter authorized for airborne use of force over civilian populations. Since September 11, the Sting Rays have also been pressed into port security service for all U.S. ports and associated waterways.

Therefore, I am pleased to support H.R. 2443 which accommodates the leasing and stationing of six HITRON helicopters in Southern California. The failure to establish a permanent West Coast Fleet will result in a serious shortage of armed assets for drug interdiction and homeland defense.

Thank you for your consideration of this important piece of legislation.

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

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

The CHAIRMAN pro tempore (Mrs. BIGGERT). All time for general debate has expired.

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

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

H.R. 2443

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 referred to as the ''Coast Guard and Maritime Transportation Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD MANAGEMENT

Sec. 201. Long-term leases.

Sec. 202. Nonappropriated fund instrumentalities.
Sec. 203. Term of enlistments.
Sec. 204. Enlisted member critical skill training bonus.
Sec. 205. Enhancement of Coast Guard authority to stop vessels liable to seizure or examination.
Sec. 206. Administrative, collection, and enforcement costs for certain fees and charges.
Sec. 207. Expansion of Coast Guard housing authorities.
Sec. 208. Requirement for constructive credit.
Sec. 209. Maximum age for retention in an active status.
Sec. 210. Payments.
Sec. 211. Coast Guard fellowship program.
Sec. 212. Air search and rescue facility in Muskegon County, Michigan.
Sec. 213. National Coast Guard Museum.
Sec. 214. Limitation on number of commissioned officers.
Sec. 215. Redistricting notification requirement.

TITLE III—NAVIGATION

Sec. 301. Marking of underwater wrecks.
Sec. 302. Use of electronic devices; cooperative agreements.
Sec. 303. Inland navigation rules promulgation authority.

TITLE IV—SHIPPING

Sec. 401. Reports from charterers.
Sec. 402. Suspension of documents in lieu of mandatory revocation for proved drug convictions.
Sec. 403. Inspection of records of merchant mariners' documents.
Sec. 404. Exemption of unmanned barges from citizenship requirements regarding command of vessel.
Sec. 405. Administrative, collection, and enforcement costs for certain fees and charges.
Sec. 406. Compliance with International Safety Management Code.
Sec. 407. Civil penalties for failure to comply with recreational vessel and associated equipment safety standards.
Sec. 408. Revision of temporary suspension criteria in document suspension and revocation cases.
Sec. 409. Revision of bases for document suspension and revocation cases.
Sec. 410. Hours of service on towing vessels.
Sec. 411. Automatic identification system electronic charts.
Sec. 412. Prevention of departure.

TITLE V—FEDERAL MARITIME COMMISSION

Sec. 501. Authorization of appropriations for Federal Maritime Commission.

TITLE VI—MISCELLANEOUS

Sec. 601. Increase in civil penalties for violations of certain bridge statutes.
Sec. 602. Conveyance of decommissioned Coast Guard Cutter SUNDEW.
Sec. 603. Tonnage measurement.
Sec. 604. Operation of vessel STAD AMSTERDAM.
Sec. 605. Great Lakes National Maritime Enhancement Institute.
Sec. 606. Agile Port and Intelligent Border Security National Demonstration Project.
Sec. 607. Koss Cove.
Sec. 608. Miscellaneous certificates of documentation.
Sec. 609. Dredging study.
Sec. 610. Report regarding security inspection of vessels and vessel-borne cargo containers entering the United States.

TITLE VII—AMENDMENTS RELATING TO OIL POLLUTION ACT OF 1990

Sec. 701. Vessel response plans for nontank vessels over 400 gross tons.
Sec. 702. Requirements for tank level and pressure monitoring devices.
Sec. 703. Liability and cost recovery.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATIONS AND CAPITAL ACQUISITIONS.—

(1) IN GENERAL.—Funds are authorized to be appropriated for fiscal year 2004 for necessary expenses of the Coast Guard as follows:

(A) OPERATING EXPENSES.—For the operating expenses of the Coast Guard, $4,996,000,000, of which—

(i) $4,979,000,000 is for operation and maintenance of the Coast Guard; and

(ii) $17,000,000 is for environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance).

(B) CAPITAL ACQUISITIONS.—For the capital acquisitions of the Coast Guard, $1,097,000,000, of which—

(i) $355,000,000 is for acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto;

(ii) $702,000,000 is for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems program;

(iii) $22,000,000 is for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness; and

(iv) $18,000,000 is for the alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program.

(2) SOURCE OF FUNDS.—

(A) OPERATING EXPENSES.—Of the amount authorized in paragraph (1)(A), $25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(B) CAPITAL ACQUISITIONS.—Of the amounts authorized by paragraph (1)(B)—

(i) $20,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; and

(ii) $3,500,000 is authorized to be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(b) RETIRED PAY.—There is authorized to be appropriated for Coast Guard retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments with respect to the Coast Guard under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired Coast Guard personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 as of September 30, 2004.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2004, 2,500 student years.

(2) For flight training for fiscal year 2004, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2004, 350 student years.

(4) For officer acquisition for fiscal year 2004, 1,200 student years.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. LONG-TERM LEASES.

Section 93 of title 14, United States Code, is amended—

(1) by redesignating paragraphs (a) through (x) in order as paragraphs (1) through (23);

(2) in paragraph (18) (as so redesignated) by striking the comma at the end and inserting a semicolon;

(3) by inserting ''(a)'' before ''For the purpose''; and

(4) by adding at the end the following:

''(b)(1) Notwithstanding subsection (a)(14), a lease described in paragraph (2) of this subsection may be for a term of up to 20 years.

''(2) A lease referred to in paragraph (1) is a lease—

''(A) to the United States Coast Guard Academy Alumni Association for the construction of an Alumni Center on the grounds of the United States Coast Guard Academy; or

''(B) to an entity with which the Commandant has a cooperative agreement under section 4(e) of the Ports and Waterways Safety Act, and for which a term longer than 5 years is necessary to carry out the agreement.''.

SEC. 202. NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''§152. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services

''The Coast Guard Exchange System, or a morale, welfare, and recreation system of the Coast Guard, may enter into a contract or other agreement with any element or instrumentality of the Coast Guard or with another Federal department, agency, or instrumentality to provide or obtain goods and services beneficial to the efficient management and operation of the Coast Guard Exchange System or that morale, welfare, and recreation system.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''152. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services.''.

SEC. 203. TERM OF ENLISTMENTS.

Section 351(a) of title 14, United States Code, is amended by striking ''terms of full years not exceeding six years.'' and inserting ''a period of at least two years but not more than six years.''.

SEC. 204. ENLISTED MEMBER CRITICAL SKILL TRAINING BONUS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 373 the following:

''§374. Critical skill training bonus

''(a) The Secretary may provide a bonus, not to exceed $20,000, to an enlisted member who completes training in a skill designated as critical, if at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this section may be paid in a single lump sum or in periodic installments.

''(b) If an enlisted member voluntarily or because of misconduct does not complete the member's term of obligated active service, the Secretary may require the member to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary may charge interest on the amount repaid at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the calendar quarter preceding the date on which the amount to be repaid is determined.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14,

United States Code, is amended by inserting the following after the item relating to section 373:

''374. Critical skill training bonus.''.

SEC. 205. ENHANCEMENT OF COAST GUARD AUTHORITY TO STOP VESSELS LIABLE TO SEIZURE OR EXAMINATION.

(a) REPEAL OF REQUIREMENT TO FIRE WARNING SHOT.—Subsection (a) of section 637 of title 14, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''after a'' and all that follows through ''signal,'' and inserting ''subject to paragraph (2),''; and

(3) by adding at the end the following:

''(2) Before firing at or into a vessel as authorized in paragraph (1), the person in command or in charge of the authorized vessel or authorized aircraft shall fire a gun as a warning signal, except that the prior firing of a gun as a warning signal is not required if that person determines that the firing of a warning signal would unreasonably endanger persons or property in the vicinity of the vessel to be stopped.''.

(b) EXTENSION TO MILITARY AIRCRAFT OF COAST GUARD INTERDICTION AUTHORITY.—Subsection (c) of such section is amended—

(1) in paragraph (1) by inserting ''or'' after the semicolon; and

(2) in paragraph (2) by striking ''; or'' and all that follows through paragraph (3) and inserting a period.

(c) REPEAL OF TERMINATION OF APPLICABILITY TO NAVAL AIRCRAFT.—Subsection (d) of such section is repealed.

SEC. 206. ADMINISTRATIVE, COLLECTION, AND ENFORCEMENT COSTS FOR CERTAIN FEES AND CHARGES.

Section 664 of title 14, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (f);

(2) by inserting after subsection (b) the following:

''(c) In addition to the collection of fees and charges established under this section, the Secretary may recover from the person liable for the fee or charge the costs of collecting delinquent payments of the fee or charge, and enforcement costs associated with delinquent payments of the fees and charges.

''(d)(1) The Secretary may employ any Federal, State, or local agency or instrumentality, or any private enterprise or business, to collect a fee or charge established under this section.

''(2) A private enterprise or business employed by the Secretary to collect fees or charges—

''(A) shall be subject to reasonable terms and conditions agreed to by the Secretary and the enterprise or business;

''(B) shall provide appropriate accounting to the Secretary; and

''(C) may not institute litigation as part of that collection.

''(e) The Secretary shall account for the agency's costs of collecting a fee or charge as a reimbursable expense, and the costs shall be credited to the account from which expended.''; and

(3) by adding at the end the following:

''(g) In this section the term 'costs of collecting a fee or charge' includes the reasonable administrative, accounting, personnel, contract, equipment, supply, training, and travel expenses of calculating, assessing, collecting, enforcing, reviewing, adjusting, and reporting on a fee or charge.''.

SEC. 207. EXPANSION OF COAST GUARD HOUSING AUTHORITIES.

(a) ELIGIBLE ENTITY DEFINED.—Section 680 of title 14, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) in order as paragraphs (4) and (5); and

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

''(3) The term 'eligible entity' means any private person, corporation, firm, partnership, or company and any State or local government or housing authority of a State or local government.''.

(b) DIRECT LOANS FOR PROVIDING HOUSING.—Section 682 of title 14, United States Code, is amended—

(1) in the section heading by striking ''LOAN GUARANTEES'' and inserting ''DIRECT LOANS AND LOAN GUARANTEES'';

(2) by redesignating subsections (a) and (b) as (b) and (c) respectively;

(3) by inserting before subsection (b) (as so redesignated) the following:

''(a) DIRECT LOANS.—(1) Subject to subsection (c), the Secretary may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

''(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.'';

(4) in subsection (b) (as so redesignated) by striking ''subsection (b),'' and inserting ''subsection (c),''; and

(5) in subsection (c) (as so redesignated)—

(A) in the heading by striking ''GUARANTEE''; and

(B) by striking ''Loan guarantees'' and inserting ''Direct loans and loan guarantees''.

(c) LIMITED PARTNERSHIPS WITH ELIGIBLE ENTITIES.—Section 684 of title 14, United States Code, is amended—

(1) in the section heading by striking ''***NONGOVERNMENTAL***'' and inserting ''***ELIGIBLE***'';

(2) in subsection (a) by striking ''nongovernmental'' and inserting ''eligible'';

(3) in subsection (b)(1) by striking ''a nongovernmental'' and inserting ''an eligible'';

(4) in subsection (b)(2) by striking ''a nongovernmental'' and inserting ''an eligible''; and

(5) in subsection (c) by striking ''nongovernmental'' and inserting ''eligible''.

(d) HOUSING DEMONSTRATION PROJECTS IN ALASKA.—Section 687(g) of title 14, United Sates Code, is amended—

(1) in the heading by striking ''PROJECT'' and inserting ''PROJECTS'';

(2) in paragraph (1) by striking ''a demonstration project'' and inserting ''demonstration projects'';

(3) in paragraph (1) by striking ''Kodiak, Alaska;'' and inserting ''Kodiak, Alaska, or any other Coast Guard installation in Alaska;'';

(4) in paragraph (2) by striking ''the demonstration project'' and inserting ''such a demonstration project''; and

(5) in paragraph (4) by striking ''the demonstration project'' and inserting ''such demonstration projects''.

(e) DIFFERENTIAL LEASE PAYMENTS.—Chapter 18 of title 14, United States Code, is amended by inserting after section 687 the following:

''§ 687a. Differential lease payments

''Pursuant to an agreement entered into by the Secretary and a lessor of military family housing or military unaccompanied housing to members of the armed forces, the Secretary may pay the lessor an amount, in addition to the rental payments for the housing made by the members, as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as military family housing or as military unaccompanied housing.''.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 18 of title 14, United States Code, is amended—

(1) by striking the item related to section 682 and inserting the following:

''682. Direct loans and loan guarantees.'';

(2) in the item related to section 684 by striking ''nongovernmental'' and inserting ''eligible''; and

(3) by inserting after the item related to section 687 the following:

''687a. Differential lease payments.''.

SEC. 208. REQUIREMENT FOR CONSTRUCTIVE CREDIT.

Section 727 of title 14, United States Code, is amended in the second sentence by striking ''three years'' and inserting ''one year''.

SEC. 209. MAXIMUM AGE FOR RETENTION IN AN ACTIVE STATUS.

Section 742 of title 14, United States Code, is amended—

(1) in subsection (a), by striking ''sixty-two'' and inserting ''60''; and

(2) in subsection (c), by striking ''sixty-two'' and inserting ''60''.

SEC. 210. PAYMENTS.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''§ 517. Payments

''(a) The Secretary may require that travel or transportation allowances due a civilian employee or military member of the Coast Guard be disbursed directly to the issuer of a Federal contractor-issued travel charge card, but only in an amount not to exceed the authorized travel expenses charged by that Coast Guard member to that travel charge card issued to that employee or member.

''(b) The Secretary may also establish requirements similar to those established by the Secretary of Defense pursuant to section 2784a of title 10 for deduction or withholding of pay or retired pay from a Coast Guard employee, member, or retired member who is delinquent in payment under the terms of the contract under which the card was issued and does not dispute the amount of the delinquency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''517. Payments.''.

SEC. 211. COAST GUARD FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—Title 14, United States Code, is amended by adding at the end of chapter 11 the following:

''§ 337. Coast Guard Congressional Fellowship Program

''(a) There is established in the Coast Guard a Coast Guard Congressional Fellowship Program to broaden Coast Guard officers' knowledge of the Congress.

''(b) The Commandant may appoint 4 midgrade officers as fellows under the program, subject to the following limitations:

''(1) The maximum length of a fellowship is one year.

''(2) A fellow may be assigned to an office of the House of Representatives or the Senate, including a committee, during the period of the fellowship, or may rotate between such offices.

''(3) To protect against abuses of separation of powers principles and conflicts of interest, a fellow may not engage in duties that will result in any direct or indirect benefit to the Coast Guard, other than broadening the fellow's knowledge.

''(c) An individual violating this section is subject to appropriate discipline by the Commandant.''.

(b) LIMITATION ON APPLICATION.—Section 337(b)(1) of title 14, United States Code, as amended by this section, does not apply to an individual serving on June 10, 2003, as a Coast Guard congressional fellow.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 336 the following:

''337. Coast Guard Congressional Fellowship Program.''.

SEC. 212. AIR SEARCH AND RESCUE FACILITY IN MUSKEGON COUNTY, MICHIGAN.

(a) LEASE AUTHORITY.—The Commandant may enter into a long-term lease for a period of

up to 20 years with Muskegon County, Michigan, for use of a facility constructed by the County at Muskegon County Airport as an air search and rescue station, if such a facility that meets criteria established under subsection (b) is available.

(b) CRITERIA.—Any facility leased under subsection (a) must meet criteria established by the Commandant.

SEC. 213. NATIONAL COAST GUARD MUSEUM.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''§ 98. National Coast Guard Museum

''(a) ESTABLISHMENT.—The Commandant of the Coast Guard may, subject to subsections (b) and (c), establish a National Coast Guard Museum on Federal lands that are administered by the Coast Guard and specified by the Commandant.

''(b) LOCATION.—The National Coast Guard Museum may be located at, or in close proximity to, the Coast Guard Academy in New London, Connecticut.

''(c) LIMITATION ON EXPENDITURES.—The Secretary of the Department in which the Coast Guard is operating shall not expend any Federal funds for the planning, engineering, design, construction, operation, or maintenance of any museum established under subsection (a).

''(d) OPERATION AND MAINTENANCE PLAN.—Before the date on which the Commandant establishes a museum under subsection (a), the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a plan for operating and maintaining such a museum, including—

''(1) estimated operation and maintenance costs;

''(2) proposed sources of operation and maintenance funds; and

''(3) a certification by the Inspector General of the Department in which the Coast Guard is operating that items included in the plan pursuant to paragraph (1) and (2) are reasonable and realistic.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''98. National Coast Guard Museum.''.

SEC. 214. LIMITATION ON NUMBER OF COMMISSIONED OFFICERS.

Notwithstanding section 42(a) of title 14, United States Code, the total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed 6,700 in fiscal year 2004.

SEC. 215. REDISTRICTING NOTIFICATION REQUIREMENT.

The Commandant shall notify the Committee on Transportation and Infrastructure of the House of Representatives at least 180 days before—

(1) implementing any plan to reduce the number of, change the location of, or change the geographic area covered by any existing Coast Guard Districts; or

(2) shifting of more than 10 per cent of the personnel or equipment from the station where such personnel or equipment is based.

TITLE III—NAVIGATION

SEC. 301. MARKING OF UNDERWATER WRECKS.

Section 15 of the Act of March 3, 1899 (33 U.S.C. 409), is amended—

(1) by striking ''day and'' and inserting ''day and, unless otherwise authorized by the Commandant of the Coast Guard,''; and

(2) by striking ''lighted lantern'' and inserting ''light''.

SEC. 302. USE OF ELECTRONIC DEVICES; COOPERATIVE AGREEMENTS.

Section 4(a) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(a)) is amended by—

(1)(A) striking ''and'' after the semicolon at the end of paragraph (4);

(B) striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) adding at the end the following:

''(6) may prohibit the use on the bridge of a vessel of electronic or other devices that interfere with communications and navigation equipment.''; and

(2) adding at the end the following:

''(e) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).

''(2) A nongovernmental entity may not under this subsection carry out an inherently governmental function.

''(3) As used in this paragraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.''.

SEC. 303. INLAND NAVIGATION RULES PROMULGATION AUTHORITY.

(a) REPEAL OF INLAND RULES.—Section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001–38) is repealed.

(b) AUTHORITY TO ISSUE REGULATIONS.—Section 3 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001) is amended to read as follows:

''SEC. 3. INLAND NAVIGATION RULES.

''The Secretary of the Department in which the Coast Guard is operating may issue inland navigation regulations applicable to all vessels upon the inland waters of the United States and technical annexes that are as consistent as possible with the respective annexes to the International Regulations.''.

(c) EFFECTIVE DATE.—Subsection (a) is effective on the effective date of final regulations prescribed by the Secretary of the Department in which the Coast Guard is operating under section 3 of the Inland Navigation Rules Act of 1980 (33 U.S.C. 2001), as amended by this Act.

TITLE IV—SHIPPING

SEC. 401. REPORTS FROM CHARTERERS.

Section 12120 of title 46, United States Code, is amended by striking ''owners and masters'' and inserting ''owners, masters, and charterers''.

SEC. 402. SUSPENSION OF DOCUMENTS IN LIEU OF MANDATORY REVOCATION FOR PROVED DRUG CONVICTIONS.

Section 7704(b) of title 46, United States Code, is amended by inserting ''suspended or'' after ''shall be''.

SEC. 403. INSPECTION OF RECORDS OF MERCHANT MARINERS' DOCUMENTS.

Section 7319 of title 46, United States Code, is amended by striking ''The records are not open to general or public inspection.''.

SEC. 404. EXEMPTION OF UNMANNED BARGES FROM CITIZENSHIP REQUIREMENTS REGARDING COMMAND OF VESSEL.

(a) EXEMPTION FROM LIMITATION ON COMMAND.—Section 12110(d) of title 46, United States Code, is amended by inserting ''or an unmanned barge not engaged on a coastwise voyage'' after ''recreational endorsement''.

(b) EXEMPTION FROM SEIZURE AND FORFEITURE.—Section 12122(b)(6) of title 46, United States Code, is amended by inserting ''or an unmanned barge not engaged on a coastwise voyage'' after ''recreational endorsement''.

SEC. 405. ADMINISTRATIVE, COLLECTION, AND ENFORCEMENT COSTS FOR CERTAIN FEES AND CHARGES.

Section 2110(d) of title 46, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following:

''(B) For purposes of subparagraph (A), costs of collecting the fee or charge include the reasonable administrative, accounting, personnel, contract, equipment, supply, training, and travel expenses of calculating, assessing, collecting, enforcing, reviewing, adjusting, and reporting on the fees and charges.''.

SEC. 406. COMPLIANCE WITH INTERNATIONAL SAFETY MANAGEMENT CODE.

(a) APPLICATION OF EXISTING LAW.—Section 3202(a) of title 46, United States Code, is amended to read as follows:

''(a) MANDATORY APPLICATION.—This chapter applies to a vessel that—

''(1)(A) is transporting more than 12 passengers described in section 2101(21)(A) of this title; or

''(B) is of at least 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, that is a tanker, freight vessel, bulk freight vessel, high speed freight vessel, or self-propelled mobile offshore drilling unit; and

''(2)(A) is engaged on a foreign voyage; or

''(B) is a foreign vessel departing from a place under the jurisdiction of the United States on a voyage, any part of which is on the high seas.''.

(b) COMPLIANCE OF REGULATIONS WITH INTERNATIONAL SAFETY MANAGEMENT CODE.—Section 3203(b) of title 46, United States Code, is amended by striking ''vessels engaged on a foreign voyage.'' and inserting ''vessels to which this chapter applies under section 3202(a) of this title.''.

SEC. 407. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT SAFETY STANDARDS.

Section 4311(b) of title 46, United States Code, is amended—

(1) by striking the first sentence and inserting ''A person violating section 4307(a) of this title is liable to the United States Government for a civil penalty of not more than $5,000, except that the maximum civil penalty may be not more than $250,000 for a related series of violations.''; and

(2) in the second sentence, by striking ''4307(a)(1)'' and inserting ''4307(a)''.

SEC. 408. REVISION OF TEMPORARY SUSPENSION CRITERIA IN DOCUMENT SUSPENSION AND REVOCATION CASES.

Section 7702(d) of title 46, United States Code, is amended—

(1) in paragraph (1) by striking ''if, when acting under the authority of that license, certificate, or document—'' and inserting ''if—'';

(2) in paragraph (1)(B)(i), by inserting '', while acting under the authority of that license, certificate, or document,'' after ''has'';

(3) by striking ''or'' after the semicolon at the end of paragraph (1)(B)(ii);

(4) by striking the period at the end of paragraph (1)(B)(iii) and inserting ''; or''; and

(5) by adding at the end of paragraph (1)(B) the following:

''(iv) is a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''.

SEC. 409. REVISION OF BASES FOR DOCUMENT SUSPENSION AND REVOCATION CASES.

Section 7703 of title 46, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) by striking ''incompetence,''; and

(B) by striking the comma after ''misconduct'';

(2) by striking ''or'' after the semicolon at the end of paragraph (2);

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

(4) by adding at the end the following:

''(4) has committed an act of incompetence; or

''(5) is a threat to the safety or security of a vessel or a structure located within or adjacent to the marine environment.''.

SEC. 410. HOURS OF SERVICE ON TOWING VESSELS.

(a) REGULATIONS.—Section 8904 of title 46, United States Code, is amended by adding at the end of the following:

''(c) The Secretary may prescribe by regulation requirements for maximum hours of service (including recording and record-keeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).''.

(b) DEMONSTRATION PROJECT.—Prior to prescribing regulations under this section the Secretary shall conduct and report to the Congress on the results of a demonstration project involving the implementation of Crew Endurance Management Systems on towing vessels. The report shall include a description of the public and private sector resources needed to enable implementation of Crew Endurance Management Systems on all United States-flag towing vessels.

SEC. 411. AUTOMATIC IDENTIFICATION SYSTEM ELECTRONIC CHARTS.

Section 70114(a)(1) of title 46, United States Code, is amended by inserting '', including an electronic chart and related display,'' after ''automatic identification system'' the first place it appears.

SEC. 412. PREVENTION OF DEPARTURE.

(a) IN GENERAL.—Section 3505 of title 46, United States Code, is amended to read as follows:

''§ 3505. Prevention of departure

''Notwithstanding section 3303 of this title, a foreign vessel carrying a citizen of the United States as a passenger or that embarks passengers from a United States port may not depart from a United States port if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party.''.

(b) CONFORMING AMENDMENT.—Section 3303 of title 46, United States Code, is amended by inserting ''and section 3505'' after ''chapter 37''.

TITLE V—FEDERAL MARITIME COMMISSION

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There is authorized to be appropriated to the Federal Maritime Commission $18,471,000 for Fiscal Year 2004.

TITLE VI—MISCELLANEOUS

SEC. 601. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN BRIDGE STATUTES.

(a) GENERAL BRIDGE ACT OF 1906.—Section 5(b) of Act of March 23, 1906 (chapter 1130; 33 U.S.C. 495), popularly known as the General Bridge Act, is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

(b) DRAWBRIDGES.—Section 5(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 18, 1894 (33 U.S.C. 499(c)), is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

(c) ALTERATION, REMOVAL, OR REPAIR OF BRIDGES.—Section 18(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 502(c)) is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

(d) GENERAL BRIDGE ACT OF 1946.—Section 510(b) of the General Bridge Act of 1946 (33 U.S.C. 533(b)) is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

SEC. 602. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER SUNDEW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter SUNDEW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to Duluth Entertainment and Convention Center Authority (a nonprofit corporation under the laws of the State of Minnesota; in this section referred to as the ''recipient''), located in Duluth, Minnesota, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of education and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

SEC. 603. TONNAGE MEASUREMENT.

(a) M/V BLUEFIN.—The gross tonnage of the M/V BLUEFIN (United States official number 620431) as measured under regulations prescribed under section 14502 of title 46, United States Code, is deemed to be 488 tons.

(b) M/V COASTAL MERCHANT.—The gross tonnage of the M/V COASTAL MERCHANT (United States official number 1038382) as measured under regulations prescribed under section 14502 of title 46, United States Code, is deemed to be 493 tons.

(c) TERMINATION OF APPLICATION.—Subsection (a) or (b) shall not apply on and after any date on which the Secretary of the Department in which the Coast Guard is operating determines, respectively, that the vessel M/V BLUEFIN or the vessel M/V COASTAL MERCHANT has undergone any major modification.

SEC. 604. OPERATION OF VESSEL STAD AMSTERDAM.

(a) IN GENERAL.—Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and the ruling by the Acting Director of the International Trade Compliance Division of the Customs Service on May 17, 2002 (Customs Bulletins and Decisions, Vol. 36, No. 23, June 5, 2002), the vessel STAD AMSTERDAM (International Maritime Organization number 9185554) shall be authorized to carry within United States waters and between ports or places in the United States individuals who are not directly and substantially connected with the operation, navigation, ownership, or business of the vessel, who are friends, guests, or employees of the owner of the vessel, and who are not actual or prospective customers for hire of the vessel.

(b) LIMITATION.—This section does not authorize the vessel STAD AMSTERDAM to be used to carry individuals for a fare or to be chartered on a for-hire basis in the coastwise trade.

SEC. 605. GREAT LAKES NATIONAL MARITIME ENHANCEMENT INSTITUTE.

(a) DESIGNATION.—The Secretary of Transportation may designate a National Maritime Enhancement Institute for the Great Lakes Region.

(b) AUTHORIZED ACTIVITIES.—In addition to the activities that may be undertaken by that Institute under section 8(b) of Public Law 101–115 (46 App. U.S.C. 1121–2), the Great Lakes National Maritime Enhancement Institute may—

(1) conduct research and evaluate short sea shipping market opportunities on the Great Lakes, including the expanded use of freight ferries, improved mobility, and regional supply chain efficiency;

(2) evaluate markets for foreign trade between ports on the Great Lakes and draft-limited ports in Europe and Africa;

(3) evaluate the environmental benefits of waterborne transportation in the Great Lakes region;

(4) analyze the effect of the Harbor Maintenance Tax on Great Lakes shipping;

(5) study the state of shipbuilding and ship repair base on the Great Lakes;

(6) evaluate opportunities for passenger vessel services on the Great Lakes;

(7) analyze the origin to destination flow of freight cargo in the Great Lakes region that may be transported on vessels to relieve congestion in other modes of transportation;

(8) evaluate the economic viability establishing transshipment facilities for oceangoing cargoes;

(9) evaluate the adequacy of the infrastructure in ports to meet the needs of marine commerce; and

(10) study and develop new vessel designs for domestic and international shipping on the Great Lakes.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2004 through 2008 for the activities described in subsection (b).

SEC. 606. AGILE PORT AND INTELLIGENT BORDER SECURITY NATIONAL DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Transportation may carry out an Agile Port and Intelligent Border Security National Demonstration Project under the Center for the Commercial Deployment of Transportation Technologies to develop and deploy dual use transportation technologies for commercial applications, including the following:

(1) Agile port facilities, including inland multi-modal transportation facilities.

(2) Advanced cargo and passenger vessel hull design, propulsion systems, and construction.

(3) Regional supply chain efficiency, improved mobility, and air quality.

(4) Maritime, port, cargo, and supply chain security, and total asset visibility.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out the demonstration project under subsection (a) there is authorized to be appropriated to the Secretary of Transportation $5,000,000 for fiscal year 2004.

SEC. 607. KOSS COVE.

(a) IN GENERAL.—Notwithstanding any other provision of law or existing policy, the cove described in subsection (b) shall be known and designated as ''Koss Cove'', in honor of the late Able Bodied Seaman Eric Steiner Koss of the National Oceanic and Atmospheric Administration vessel RAINER who died in the performance of a nautical charting mission off the coast of Alaska.

(b) COVE DESCRIBED.—The cove referred to in subsection (a) is—

(1) adjacent to and southeast of Point Elrington, Alaska, and forms a portion of the southern coast of Elrington Island;

(2) ¾ mile across the mouth;

(3) centered at 59 degrees 56.1 minutes North, 148 degrees 14 minutes West; and

(4) 45 miles from Seaward, Alaska.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the cove described in subsection (b) is deemed to be a reference to Koss Cove.

SEC. 608. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) OCEAN LEADER (United States official number 679511).

(2) REVELATION (United States official number 1137565).

SEC. 609. DREDGING STUDY.

(a) STUDY.—The Director of the Congressional Budget Office shall study and report to the Committee on Transportation and Infrastructure of the House of Representatives on the impacts of chartering by foreign citizens of dredges documented under the laws of the United States, on—

(1) the structure, conduct, and performance, of the United States dredging market; and

(2) costs paid by Federal agencies for dredging projects.

(b) FOREIGN CITIZEN DEFINED.—In subsection (a), the term ''foreign citizen'' means any corporation, partnership, or association that does not qualify as a citizen of the United States under section 2 of the Shipping Act of 1916 (46 APP. U.S.C. 802).

SEC. 610. REPORT REGARDING SECURITY INSPECTION OF VESSELS AND VESSEL-BORNE CARGO CONTAINERS ENTERING THE UNITED STATES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall report to the Congress regarding the numbers and types of vessels and vessel-borne cargo containers that enter the United States in a year.

(b) CONTENTS.—The report under this section shall include the following:

(1) A section regarding security inspection of vessels that includes the following:

(A) A complete breakdown of the numbers and types of vessels that entered the United States in the most recent 1-year period for which information is available.

(B) The cost incurred by the Federal Government in inspecting such vessels in such 1-year period, including specification and comparison of such cost for each type of vessel.

(C) An estimate of the per-vessel cost that would be incurred by the Federal Government in inspecting in a foreign port each type of vessel that enters the United States each year, including costs for personnel, vessels, equipment, and funds.

(D) An estimate of the annual total cost that would be incurred by the Federal Government in inspecting in foreign ports all vessels that enter the United States each year, including costs for personnel, vessels, equipment, and funds.

(2) A section regarding security inspection of containers that includes the following:

(A) A complete breakdown of the numbers and types of vessel-borne cargo containers that entered the United States in the most recent 1-year period for which information is available, including specification of the number of 1 TEU containers and the number of 2 TEU containers.

(B) The cost incurred by the Federal Government in inspecting such containers in such 1-year period, including specification and comparison of such cost for a 1 TEU container and for a 2 TEU container.

(C) An estimate of the per-container cost that would be incurred by the Federal Government in inspecting in a foreign port each type of vessel-borne container that enters the United States each year, including costs for personnel, vessels, equipment, and funds.

(D) An estimate of the annual total cost that would be incurred by the Federal Government in inspecting in foreign ports all vessel-borne containers that enter the United States each year, including costs for personnel, vessels, equipment, and funds.

TITLE VII—AMENDMENTS RELATING TO OIL POLLUTION ACT OF 1990

SEC. 701. VESSEL RESPONSE PLANS FOR NONTANK VESSELS OVER 400 GROSS TONS.

(a) NONTANK VESSEL DEFINED.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

''(9) NONTANK VESSEL DEFINED.—In this subsection, the term 'nontank vessel' means a self-propelled vessel of 400 gross tons (as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of such title as prescribed by the Secretary under section 14104 of such title) or greater, other than a tank vessel, that carries oil of any kind as fuel for main propulsion and that—

''(A) is a vessel of the United States; or

''(B) operates on the navigable waters of the United States.''.

(b) AMENDMENTS TO REQUIRE RESPONSE PLANS.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended—

(1) in paragraph (5) in the heading by inserting '', NONTANK VESSEL,'' after ''VESSEL'';

(2) in paragraph 5(A) by inserting '', nontank vessel,'' after ''vessel'';

(3) in paragraph (5)(B), in the matter preceding clause (i), by inserting '', nontank vessels,'' after ''vessels'';

(4) in paragraph (5)(B), by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following:

''(ii) A nontank vessel.'';

(5) in paragraph (5)(D)—

(A) by inserting '', nontank vessel,'' after ''vessel'';

(B) by striking ''and'' after the semicolon at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting ''; and''; and

(D) by adding after clause (iv) the following:

''(v) for nontank vessels, consider any applicable State-mandated response plan and ensure consistency to the extent practicable.'';

(6) in paragraph (5)(E), in the matter preceding clause (i), by inserting ''nontank vessel,'' after ''vessel,'';

(7) in paragraph (5)(E)(i) by inserting ''nontank vessel,'' , after ''vessel,'';

(8) in paragraph (5)(F) by striking ''tank vessel or'' and inserting ''vessel or'';

(9) in paragraph (5)(G) by inserting ''nontank vessel,'' after ''vessel,'';

(10) in paragraph (5)(H) by inserting ''and nontank vessel'' after ''each tank vessel'';

(11) in paragraph (6) in the matter preceding subparagraph (A) by striking ''Not later than 2 years after the date of enactment of this section, the President shall require—'' and inserting ''The President may require—'';

(12) in paragraph (6)(B) by inserting '', and nontank vessels carrying oil of any kind as fuel for main propulsion,'' after ''cargo''; and

(13) in paragraph (7) by inserting '', nontank vessel,'' after ''vessel''.

(c) IMPLEMENTATION DATE.—The President shall not require the owner or operator of a nontank vessel (as defined section 311(j)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(9), as amended by this section) to prepare and submit a vessel response plan for such vessel before the end of the one-year period beginning on the date of the enactment of this Act.

SEC. 702. REQUIREMENTS FOR TANK LEVEL AND PRESSURE MONITORING DEVICES.

Section 4110 of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note) is amended—

(1) in subsection (a), by striking ''Not later than 1 year after the date of the enactment of this Act, the Secretary shall'' and inserting ''The Secretary may'';

(2) in subsection (b)—

(A) by striking ''Not later than 1 year after the date of the enactment of this Act, the Secretary shall'' and inserting ''No sooner than 1 year after the Secretary prescribes regulations under subsection (a), the Secretary may''; and

(B) by striking ''the standards'' and inserting ''any standards''.

SEC. 703. LIABILITY AND COST RECOVERY.

(a) DEFINITION OF OWNER OR OPERATOR.—Section 1001(26) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(26)) is amended to read as follows:

''(26) 'owner or operator'—

''(A) means—

''(i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

''(ii) in the case of an onshore or offshore facility, any person owning or operating such facility;

''(iii) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

''(iv) in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated, or otherwise controlled activities at such facility immediately beforehand;

''(v) notwithstanding subparagraph (B)(i), any State or local government that has caused or contributed to a discharge or substantial threat of a discharge of oil from a vessel or facility ownership or control of which was acquired involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign; and

''(vi) notwithstanding subparagraph (B)(ii), a person that is a lender and that holds indicia of ownership primarily to protect a security interest in a vessel or facility if, while the borrower is still in possession of the vessel or facility encumbered by the security interest, the person—

''(I) exercises decisionmaking control over the environmental compliance related to the vessel or facility, such that the person has undertaken

responsibility for oil handling or disposal practices related to the vessel or facility; or

''(II) exercises control at a level comparable to that of a manager of the vessel or facility, such that the person has assumed or manifested responsibility—

''(aa) for the overall management of the vessel or facility encompassing day-to-day decision-making with respect to environmental compliance; or

''(bb) over all or substantially all of the operational functions (as distinguished from financial or administrative functions) of the vessel or facility other than the function of environmental compliance; and

''(B) does not include—

''(i) a unit of State or local government that acquired ownership or control of a vessel or facility involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign;

''(ii) a person that is a lender that does not participate in management of a vessel or facility, but holds indicia of ownership primarily to protect the security interest of the person in the vessel or facility;

''(iii) a person that is a lender that did not participate in management of a vessel or facility prior to foreclosure, notwithstanding that the person—

''(I) forecloses on the vessel or facility; and

''(II) after foreclosure, sells, re-leases (in the case of a lease finance transaction), or liquidates the vessel or facility, maintains business activities, winds up operations, undertakes a removal action under 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 311(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan, with respect to the vessel or facility, or takes any other measure to preserve, protect, or prepare the vessel or facility prior to sale or disposition,

if the person seeks to sell, re-lease (in the case of a lease finance transaction), or otherwise divest the person of the vessel or facility at the earliest practicable, commercially reasonable time, on commercially reasonable terms, taking into account market conditions and legal and regulatory requirements;''.

(b) OTHER DEFINITIONS.—Section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701) is amended by striking ''and'' after the semicolon at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting a semicolon, and by adding at the end the following:

''(38) 'participate in management'—

''(A)(i) means actually participating in the management or operational affairs of a vessel or facility; and

''(ii) does not include merely having the capacity to influence, or the unexercised right to control, vessel or facility operations; and

''(B) does not include—

''(i) performing an act or failing to act prior to the time at which a security interest is created in a vessel or facility;

''(ii) holding a security interest or abandoning or releasing a security interest;

''(iii) including in the terms of an extension of credit, or in a contract or security agreement relating to the extension, a covenant, warranty, or other term or condition that relates to environmental compliance;

''(iv) monitoring or enforcing the terms and conditions of the extension of credit or security interest;

''(v) monitoring or undertaking one or more inspections of the vessel or facility;

''(vi) requiring a removal action or other lawful means of addressing a discharge or substantial threat of a discharge of oil in connection with the vessel or facility prior to, during, or on the expiration of the term of the extension of credit;

''(vii) providing financial or other advice or counseling in an effort to mitigate, prevent, or cure default or diminution in the value of the vessel or facility;

''(viii) restructuring, renegotiating, or otherwise agreeing to alter the terms and conditions of the extension of credit or security interest, exercising forbearance;

''(ix) exercising other remedies that may be available under applicable law for the breach of a term or condition of the extension of credit or security agreement; or

''(x) conducting a removal action under 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan,

if such actions do not rise to the level of participating in management under subparagraph (A) of this paragraph and paragraph (26)(A)(vi);

''(39) 'extension of credit' has the meaning provided in section 101(20)(G)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(i));

''(40) 'financial or administrative function' has the meaning provided in section 101(20)(G)(ii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(ii));

''(41) 'foreclosure' and 'foreclose' each has the meaning provided in section 101(20)(G)(iii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iii));

''(42) 'lender' has the meaning provided in section 101(20)(G)(iv) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iv));

''(43) 'operational function' has the meaning provided in section 101(20)(G)(v) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(v)); and

''(44) 'security interest' has the meaning provided in section 101(20)(G)(vi) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(vi)).''.

(c) DEFINITION OF CONTRACTUAL RELATIONSHIP.—Section 1003 of the Oil Pollution Act of 1990 (33 U.S.C. 2703) is amended by adding at the end the following:

''(d) DEFINITION OF CONTRACTUAL RELATIONSHIP.—

''(1) IN GENERAL.—For purposes of subsection (a)(3) the term 'contractual relationship' includes, but is not limited to, land contracts, deeds, easements, leases, or other instruments transferring title or possession, unless—

''(A) the real property on which the facility concerned is located was acquired by the responsible party after the discharge of the oil on, in, or at the facility;

''(B) one or more of the circumstances described in subparagraph (A), (B), or (C) of paragraph (2) is established by the responsible party by a preponderance of the evidence; and

''(C) the responsible party complies with paragraph (3).

''(2) REQUIRED CIRCUMSTANCE.—The circumstances referred to in paragraph (1)(B) are the following:

''(A) At the time the responsible party acquired the real property on which the facility is located the responsible party did not know and had no reason to know that oil that is the subject of the discharge or substantial threat of discharge was placed on, in, or at the facility.

''(B) The responsible party is a government entity that acquired the facility—

''(i) by escheat;

''(ii) through any other involuntary transfer or acquisition; or

''(iii) through the exercise of eminent domain authority by purchase or condemnation.

''(C) The responsible party acquired the facility by inheritance or bequest.

''(3) ADDITIONAL REQUIREMENTS.—For purposes of paragraph (1)(C), the responsible party must establish by a preponderance of the evidence that the responsible party—

''(A) has satisfied the requirements of section 1003(a)(3)(A) and (B);

''(B) has provided full cooperation, assistance, and facility access to the persons that are authorized to conduct removal actions, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial removal action;

''(C) is in compliance with any land use restrictions established or relied on in connection with the removal action; and

''(D) has not impeded the effectiveness or integrity of any institutional control employed in connection with the removal action.

''(4) REASON TO KNOW.—

''(A) APPROPRIATE INQUIRIES.—To establish that the responsible party had no reason to know of the matter described in paragraph (2)(A), the responsible party must demonstrate that—

''(i) on or before the date on which the responsible party acquired the real property on which the facility is located, the responsible party carried out all appropriate inquiries, as provided in subparagraphs (B) and (D), into the previous ownership and uses of the real property on which the facility is located in accordance with generally accepted good commercial and customary standards and practices; and

''(ii) the responsible party took reasonable steps to—

''(I) stop any continuing discharge;

''(II) prevent, minimize or mitigate any substantial threat of discharge; and

''(III) prevent or limit any human, environmental, or natural resource exposure to any discharged oil.

''(B) REGULATIONS ESTABLISHING STANDARDS AND PRACTICES.—Not later than 2 years after the date of the enactment of this paragraph, the Secretary shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under subparagraph (A).

''(C) CRITERIA.—In promulgating regulations that establish the standards and practices referred to in subparagraph (B), the Secretary shall include in such standards provisions regarding each of the following:

''(i) The results of an inquiry by an environmental professional.

''(ii) Interviews with past and present owners, operators, and occupants of the facility and the real property on which the facility is located for the purpose of gathering information regarding the potential for oil at the facility and on the real property on which the facility is located.

''(iii) Reviews of historical sources, including, to the extent available, chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property on which the facility is located since the property was first developed.

''(iv) Searches for recorded environmental cleanup liens against the facility and the real property on which the facility is located that are filed under Federal, State, or local law.

''(v) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and waste handling, generation, treatment, disposal, and spill records, concerning oil at the facility and on the real property on which the facility is located.

''(vi) Visual inspections of the facility, the real property on which the facility is located, and adjoining properties.

''(vii) Specialized knowledge or experience on the part of the responsible party.

''(viii) The relationship of the purchase price to the value of the facility and the real property on which the facility is located, if oil was not at the facility or on the real property.

''(ix) Commonly known or reasonably ascertainable information about the facility and the real property on which the facility is located.

''(x) The degree of obviousness of the presence or likely presence of oil at the facility and on the real property on which the facility is located, and the ability to detect the oil by appropriate investigation.

''(D) INTERIM STANDARDS AND PRACTICES.—

''(i) REAL PROPERTY PURCHASED BEFORE MAY 31, 1997.—With respect to real property purchased before May 31, 1997, in making a determination with respect to a responsible party described in subparagraph (A), a court or appropriate official shall take into account—

''(I) any specialized knowledge or experience on the part of the responsible party;

''(II) the relationship of the purchase price to the value of the facility and the real property on which the facility is located, if oil was not at the facility or on the real property;

''(III) commonly known or reasonably ascertainable information about the facility and the real property on which the facility is located;

''(IV) the obviousness of the presence or likely presence of oil at the facility and on the real property on which the facility is located; and

''(V) the ability of the responsible party to detect the oil by appropriate inspection.

''(ii) REAL PROPERTY PURCHASED ON OR AFTER MAY 31, 1997.—With respect to real property purchased on or after May 31, 1997, until the Secretary promulgates the regulations described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527–97', entitled 'Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process', shall satisfy the requirements in subparagraph (A).

''(E) SITE INSPECTION AND TITLE SEARCH.—In the case of real property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, inspection and title search of the facility and the real property on which the facility is located that reveal no basis for further investigation shall be considered to satisfy the requirements of this paragraph.

''(5) PREVIOUS OWNER OR OPERATOR.—Nothing in this paragraph or in section 1003(a)(3) shall diminish the liability of any previous owner or operator of such facility who would otherwise be liable under this Act. Notwithstanding this paragraph, if a responsible party obtained actual knowledge of the discharge or substantial threat of discharge of oil at such facility when the responsible party owned the facility and then subsequently transferred ownership of the facility or the real property on which the facility is located to another person without disclosing such knowledge, the responsible party shall be treated as liable under 1002(a) and no defense under section 1003(a) shall be available to such responsible party.

''(6) LIMITATION ON DEFENSE.—Nothing in this paragraph shall affect the liability under this Act of a responsible party who, by any act or omission, caused or contributed to the discharge or substantial threat of discharge of oil which is the subject of the action relating to the facility.''.

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

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOBIONDO:

Strike section 101 (page 3, beginning at line 2) and insert the following:

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2004 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $4,865,000,000, of which $25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,147,000,000, of which—

(A) $23,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; and

(B) $702,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater System program.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $19,250,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $17,000,000, to remain available until expended.

(7) For maintenance and operation of facilities, supplies, equipment, and services necessary for the Coast Guard Reserve, as authorized by law, $114,000,000.

Strike section 205 (page 10, beginning at line 12) and insert the following:

SEC. 205. INDEMNIFICATION FOR DISABLING VESSELS LIABLE TO SEIZURE OR EXAMINATION.

(a) REPEAL OF REQUIREMENT TO FIRE WARNING SHOT.—Subsection (a) of section 637 of title 14, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''after a'' and all that follows through ''signal,'' and inserting ''subject to paragraph (2),''; and

(3) by adding at the end the following:

''(2) Before firing at or into a vessel as authorized in paragraph (1), the person in command or in charge of the authorized vessel or authorized aircraft shall fire a gun as a warning signal, except that the prior firing of a gun as a warning signal is not required if that person determines that the firing of a warning signal would unreasonably endanger persons or property in the vicinity of the vessel to be stopped.''.

(b) EXTENSION TO MILITARY AIRCRAFT OF COAST GUARD INTERDICTION AUTHORITY.—Subsection (c) of such section is amended—

(1) in paragraph (1) by inserting ''or'' after the semicolon; and

(2) in paragraph (2) by—

(A) inserting ''or military aircraft'' after ''surface naval vessel''; and

(B) striking ''; or'' and all that follows through paragraph (3) and inserting a period.

(c) REPEAL OF TERMINATION OF APPLICABILITY TO NAVAL AIRCRAFT.—Subsection (d) of such section is repealed.

(d) TECHNICAL CORRECTION.—

(1) CORRECTION.—Section 637 of title 14, United States Code, is amended in the section heading by striking ''immunity'' and inserting ''indemnification''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by striking the item relating to section 637 and inserting the following:

''637. Stopping vessels; indemnification for firing at or into vessel.''.

Page 12, line 21, insert '', subject to the availability of appropriations,'' after ''expense, and''.

Strike section 209 (page 17, beginning at line 7) and insert the following:

SEC. 209. MAXIMUM AGE FOR RETENTION IN AN ACTIVE STATUS.

Section 742 of title 14, United States Code, is amended to read as follows:

''§ 742. Maximum age for retention in an active status

''(a) A Reserve officer, if qualified, shall be transferred to the Retired Reserve on the day the officer becomes 60 years of age unless on active duty. If not qualified for retirement, a Reserve officer shall be discharged effective upon the day the officer becomes 60 years of age unless on active duty.

''(b) A Reserve officer on active duty shall, if qualified, be retired effective upon the day the officer become 62 years of age. If not qualified for retirement, a Reserve officer on active duty shall be discharged effective upon the day the officer becomes 62 years of age.

''(c) Notwithstanding subsection (a)and (b), the Secretary may authorize the retention of a Reserve rear admiral or rear admiral (lower half) in an active status not longer than the day on which the officer concerned becomes 64 years of age.

''(d) For purposes of this section, 'active duty' does not include active duty for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status.''.

At the end of title II (page 22, after line 5) insert the following:

SEC. 2___. ROTC DEMONSTRATION PROJECT.

(a) IN GENERAL.—For the purpose of preparing selected students for commissioned service in the Coast Guard, the Secretary of the Department in which the Coast Guard is operating (in this section referred to as the ''Secretary''), in consultation with the Superintendent of the Coast Guard Academy, may establish and maintain a Senior Reserve Officers' Training Corps demonstration project at the University of Alaska (in this section referred to as the ''University'').

(b) OBLIGATIONS OF UNIVERSITY, GENERALLY.—As part of any demonstration project undertaken under this section, the University shall—

(1) give the senior commissioned Coast Guard officer who is assigned to the project the academic rank of professor;

(2) adopt, as a part of its curriculum, a 4-year course of military instruction as prescribed by the Secretary; and

(3) provide advanced training to eligible members of the project.

(c) STUDENT ELIGIBILITY.—To be eligible for membership in the project an individual must—

(1) be a student at the University;

(2) be a citizen of the United States;

(3) be selected for advanced training under procedures prescribed by the Secretary;

(4) enlist in the Coast Guard for the period prescribed by the Secretary;

(5) contract (with the consent of the individual's parent or guardian if the individual is a minor) with the Secretary, or a designated representative of the Secretary, to serve for the period required by the program;

(6) agree in writing to accept an appointment, if offered, as a commissioned officer in the Coast Guard and to serve for the period prescribed by the Secretary;

(7) either—

(A) complete successfully—

(i) the first 2 years of the 4-year Senior Coast Guard Reserve Officers' Training Corps course; or

(ii) field training or a practice cruise of a duration prescribed by the Secretary as a preliminary requirement for admission to the advanced course; or

(B) at the discretion of the Secretary concerned, agree in writing to complete field training or a practice cruise, as prescribed by the Secretary, within 2 years after admission to the advanced course; and

(8) execute a certificate of loyalty in such form as the Secretary prescribes or take a loyalty oath as prescribed by the Secretary.

(d) SERVICE OBLIGATION.—A member of the project who is selected for advanced training under subsection (c), and who does not complete the course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary to serve in the member's enlisted grade or rating for such period of time as the Secretary prescribes but not for more than 2 years.

(e) APPOINTMENT AS OFFICER.—

(1) IN GENERAL.—Upon satisfactorily completing the academic and military requirements of the program of advanced training under subsection (c), a member of the project who was selected for advanced training under subsection (c) may be appointed as a regular or reserve officer in the Coast Guard in the grade of second lieutenant or ensign, even if under 21 years of age.

(2) DATE OF RANK.—The date of rank of officers appointed under this subsection in May or June of any year is the date of graduation of cadets from the Coast Guard Academy. The Secretary shall establish the date of rank of all other officers appointed under this subsection.

(3) COMPUTATION OF LENGTH OF SERVICE.—In computing length of service for any purpose, an officer appointed under this subsection may not be credited with enlisted service for the period covered by advanced training under this section, other than any period of enlisted service performed in the Coast Guard.

(f) APPOINTMENT AS CADET.—

(1) IN GENERAL.—The Secretary may appoint as a cadet in the Coast Guard reserve any eligible member of the project who will be under 31 years of age on December 31 of the calendar year in which the member is eligible under this section for appointment as an ensign in the Coast Guard.

(2) ELIGIBILITY REQUIREMENTS.—To be an eligible member of the project for purposes of paragraph (1) a member must—

(A) be a citizen of the United States;

(B) be specially selected for the financial assistance program under procedures prescribed by the Secretary;

(C) enlist in the Coast Guard reserve as a cadet for the period prescribed by the Secretary;

(D) contract (with the consent of the member's parent or guardian if the member is a minor) with the Secretary, or a designated representative of the Secretary, to serve for the period required by the project; and

(E) agree in writing that, at the discretion of the Secretary, the member will—

(i)(I) accept an appointment, if offered, as a commissioned officer in Coast Guard, and, if the member is commissioned as a regular officer and the member's regular commission is terminated before the sixth anniversary of the member's date of rank, the member accept an appointment, if offered, in the Coast Guard reserve and not resign before that anniversary or before such other date, not beyond the eighth anniversary of the member's date of rank, that the Secretary may prescribe; and

(II) serve on active duty for 4 or more years;

(ii)(I) accept an appointment, if offered, as a commissioned officer in the Coast Guard; and

(II) serve in the Coast Guard reserve until the eighth anniversary of the receipt of such appointment, unless otherwise extended under subsection (g)(4), under such terms and conditions as shall be prescribed by the Secretary; or

(iii)(I) accept an appointment, if offered, as a commissioned officer in the Coast Guard; and

(II) serve in the Coast Guard reserve until at least the sixth anniversary and, at the discretion of the Secretary, up to the eighth anniversary of the receipt of such appointment, unless such appointment is otherwise extended under subsection (g)(4), under such terms and conditions as may be prescribed by the Secretary.

The performance of service under subparagraph (E)(ii) or (E)(iii) may include periods of active duty, active duty for training, and other service in an active or inactive status in the Coast Guard reserve, except that performance of service under subparagraph (E)(iii) shall include not less than 2 years of active duty.

(3) APPOINTMENT AS OFFICER.—Upon satisfactorily completing the academic and military requirements of the project, a cadet may be appointed as a regular or reserve officer in the grade of second lieutenant or ensign, even if under 21 years of age.

(4) DATE OF RANK.—The date of rank of officers appointed under this subsection in May or June of any year is the date of graduation of cadets from Coast Guard Academy in that year. The Secretary shall establish the date of rank of all other officers appointed under this subsection.

(5) SERVICE OBLIGATION.—A cadet who does not complete the 4-year course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary to serve in the member's enlisted grade or rating for such period of time as the Secretary prescribes but not for more than 4 years.

(g) ADVANCED STANDING.—

(1) IN GENERAL.—The Secretary may give to any enlisted member of the Coast Guard, or any person who has served on active duty in any armed force, such advanced standing in the program as may be justified by the member's education and training.

(2) ELIGIBILITY FOR ADVANCED TRAINING.—In determining a member's eligibility for advanced training, the Secretary may credit the member with any military training that is substantially equivalent in kind to that prescribed for admission to advanced training and was received while the member was taking a course of instruction in a program under the jurisdiction of another armed force or while the member was on active duty in the armed forces.

(3) EXCUSE FROM PRESCRIBED INSTRUCTION.—The Secretary may excuse from a portion of the prescribed course of military instruction, including field training and practice cruises, any member found qualified on the basis of the member's previous education, military experience, or both.

(4) PARTICIPATION FOLLOWING UNDERGRADUATE STUDIES.—An individual may become, remain, or be readmitted as, a member of the advanced training program after receiving a baccalaureate degree or completing preprofessional studies if the member has not completed the course of military instruction or all field training or practice cruises prescribed by the Secretary. If a member of the project has been accepted for resident graduate or professional study, the Secretary may delay the commencement of the member's obligated period of active duty, and any obligated period of active duty for training or other service in an active or inactive status in the Coast Reserve, until the member has completed that study.

(5) RELEASE FROM PROJECT.—The Secretary, if the Secretary determines that the interest of the service so requires, may release any individual from the project and discharge the member from the Coast Guard.

(h) MISCELLANEOUS AUTHORITIES.—

(1) IN GENERAL.—The Secretary may issue to the senior commissioned Coast Guard officer who is assigned to the project, or to the officers of the Coast Guard who are designated as accountable or responsible for such property—

(A) supplies, means of transportation including aircraft, arms and ammunition, and military textbooks and educational materials; and

(B) uniform clothing, except that he may pay monetary allowances for uniform clothing at such rate as he may prescribe.

(2) FLIGHT INSTRUCTION.—The Secretary may provide, or contract with civilian flying or aviation schools or educational institutions to provide, the personnel, aircraft, supplies, facilities, services, and instruction necessary for flight instruction and orientation for properly designated members of the project.

(3) MEDICAL CARE.—The Secretary—

(A) may transport members of, and designated applicants for membership in, the project to and from installations when it is necessary for them to undergo medical or other examinations or for the purposes of making visits of observation; and

(B) may furnish to such members subsistence, quarters, and necessary medical care, including hospitalization, while they are at, or traveling to or from, such an installation.

(4) PARTICIPATION IN FLIGHTS AND CRUISES.—The Secretary may authorize members of, and designated applicants for membership in, the project to participate in aerial flights in Coast Guard aircraft and in indoctrination cruises in naval vessels.

(5) FINANCIAL ASSISTANCE.—The Secretary may, to the extent amounts are available, provide for the payment of financial assistance to students participating in the project, including for tuition, fees, books, and laboratory expenses.

(i) DETAIL OF RESERVE OFFICERS.—The Secretary may detail regular or reserve Coast Officers for instructional and administrative duties related to the project.

SEC. 2___. SHOCK MITIGATION REQUIREMENTS.

(a) REQUIREMENTS.—Chapter 17 of title 14, United Sates Code, is amended by adding the end the following:

"§ 675. Shock mitigation requirements

''(a) The Secretary shall establish a shock standard for Coast Guard vessels.

''(b) The Secretary shall include shock mitigation requirements for boat decking in each procurement of a vessel for the Coast Guard that does not meet the standard established under subsection (a).

''(c) Requirements under subsection (a) shall specify the weight and durability of decking material, effects on decking material of repeated use and weather conditions, and the capability of decking material to mitigate impacts.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17, of title 14, United States Code, is amended by adding at the end the following:

''675. Shock mitigation requirements.''.

SEC. 2___. COAST GUARD YARD.

(a) IN GENERAL.—Section 648 of title 14, United States Code, is amended by—

(1) amending the section heading to read as follows:

''§ 648. Industrial work'';

(2) inserting ''(a)'' before the existing text; and

(3) adding at the end the following:

''(b) The Commandant may enter into a contract or cooperative agreement with any person for the performance of work on a local, State, or Federal government vessel, or the engine, ordnance, electronics, or other equipment related to such a vessel.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by amending the item relating to section 648 to read as follows:

''648. Industrial work.''.

SEC. 2___. RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.

Section 93 of title 14, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(y) after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate.''.

SEC. 2___. ASSIGNMENT OF OFFICER TO NATIONAL WAR COLLEGE.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''§ 152. Assignment of officer to National War College

''The Commandant shall assign an officer in the grade of captain to serve as the Coast Guard's Service Chair at the National War College.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''152. Assignment of officer to National War College.''.

SEC. 2___. COAST GUARD EDUCATION LOAN REPAYMENT PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 13 of title 14, United States Code, is amended by inserting after section 471 the following:

''§ 472. Education loan repayment program

''(a)(1) Subject to the provisions of this section, the Secretary may repay—

''(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or

''(C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

''(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as an enlisted member of the Coast Guard in a specialty specified by the Secretary.

''(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.

''(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

''(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

''(e) The Secretary shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out this section during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item relating to section 471 the following:

''472. Education loan repayment program.''.

Strike section 405 (page 25, beginning at line 17).

At the end of title IV (page 30, after line 21) insert the following:

SEC. 4___. SERVICE OF FOREIGN NATIONALS FOR MARITIME EDUCATIONAL PURPOSES.

Section 8103(b)(1)(A) of title 46, United State Code, is amended to read as follows:

''(A) each unlicensed seaman must be—

''(i) a citizen of the United States;

''(ii) an alien lawfully admitted to the United States for permanent residence; or

''(iii) a foreign national who is enrolled in the United States Merchant Marine Academy.''.

SEC. 4___. CLASSIFICATION SOCIETIES.

(a) IN GENERAL.—Section 3316 of title 46, United States Code, is amended by adding at the end the following:

''(c)(1) A person shall not operate in interstate or foreign commerce as a classification society unless the Secretary has reviewed and approved the person with respect to the conduct of those operations.

''(2) The Secretary may approve a person for purposes of paragraph (1) only if the Secretary determines that—

''(A) the vessels surveyed by the person while acting as a classification society have an adequate safety record; and

''(B) the person has an adequate program to—

''(i) develop safety standards for vessels surveyed by the person;

''(ii) make the safety records of the person available to the Secretary in an electronic format;

''(iii) provide the safety records of a vessel surveyed by the person to any other classification society that requests those records for the purpose of conducting a survey of the vessel; and

''(iv) request the safety records of a vessel the person will survey from any classification society that previously surveyed the vessel.

''(3) The Secretary shall issue regulations implementing this subsection, including regulations describing activities that constitute operation in interstate or foreign commerce as a classification society.''.

(b) APPLICATION.—Section 3316(c)(1) of title 46, United States Code, shall apply with respect to operation as a classification society on or after January 1, 2005.

SEC. 4___. MEMBERSHIP OF AREA MARITIME SECURITY ADVISORY COMMITTEES.

Section 70112(b) of title 46, United States Code, is amended by adding at the end to following:

''(5) Membership of an Area Maritime Security Advisory Committee shall include representatives of the port industry, terminal operators, port labor organizations, and other users of the port areas.''.

SEC. 4___. SECURITY PLANS.

Section 70103(c) of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''operator of a vessel or facility'' and inserting ''operator of a vessel (including a foreign vessel) or facility''; and

(B) by striking ''a security plan'' and inserting ''in writing a detailed security plan'';

(2) in paragraph (5), by striking ''A vessel'' and inserting ''A vessel (including a foreign vessel)'';

(3) in paragraph (6), by inserting ''(including a foreign vessel)'' after ''authorize a vessel'' ; and

(4) in paragraph (7), by inserting ''(including a foreign vessel)'' after ''operator of a vessel''.

Strike section 602 (page 32, beginning at line 21) and insert the following:

SEC. 602. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTERS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to a vessel described in subsection (b) to the person designated in subsection (b) with respect to the vessel (in this section referred to as the ''recipient''), without consideration, if the person complies with the conditions under subsection (c).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) The Coast Guard Cutter BRAMBLE, to be conveyed to the Port Huron Museum of Arts and History (a nonprofit corporation under the laws of the State of Michigan), located in Port Huron, Michigan.

(2) The Coast Guard Cutter PLANETREE, to be conveyed to Jewish Life (a nonprofit corporation under the laws of the State of California), located in Sherman Oaks, California.

(3) The Coast Guard Cutter SUNDEW, to be conveyed to Duluth Entertainment and Convention Center Authority (a nonprofit corporation under the laws of the State of Minnesota), located in Duluth, Minnesota.

(c) CONDITIONS.—As a condition of any conveyance of a vessel under subsection (a), the Commandant shall require the recipient to—

(1) agree—

(A) to use the vessel for purposes of education and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use of the vessel by the Government under subparagraph (C);

(2) have funds available that will be committed to operate and maintain the vessel conveyed in good working condition—

(A) in the form of cash, liquid assets, or a written loan commitment; and

(B) in an amount of at least $700,000; and

(3) agree to any other conditions the Commandant considers appropriate.

(d) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of a vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

The Commandant shall deliver a vessel conveyed under this section at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(e) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

Strike section 607 (page 38, beginning at line 17) and insert the following:

SEC. 607. KOSS COVE.

(a) IN GENERAL.—Notwithstanding any other provision of law or existing policy, the cove described in subsection (b) shall be known and designated as ''Koss Cove'', in honor of the late Able Bodied Seaman Eric Steiner Koss of the National Oceanic and Atmospheric Administration vessel RAINIER who died in the performance of a nautical charting mission off the coast of Alaska.

(b) COVE DESCRIBED.—The cove referred to in subsection (a) is—

(1) adjacent to and southeast of Point Elrington, Alaska, and forms a portion of the southern coast of Elrington Island;

(2) 3/4 mile across the mouth;

(3) centered at 59 degrees 56.1 minutes North, 148 degrees 14 minutes West; and

(4) 45 miles from Seward, Alaska.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the cove described in subsection (b) is deemed to be a reference to Koss Cove.

Strike section 609 (page 40, beginning at line 3) and insert the following:

SEC. 609. REGULATIONS.

No later than February 1, 2004, the Secretary of the department in which the Coast Guard is operating shall implement final regulations to carry out section 12106(e), title 46, United States Code.

At the end of title VI (page 43, after line 2) insert the following:

SEC. 6___. CONVEYANCE OF DECOMMISSIONED COAST GUARD VESSELS.

(a) IN GENERAL.—Upon the scheduled decommissioning of a Coast Guard vessel listed in subsection (d), the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the respective recipient listed in subsection (d) for that vessel, if—

(1) the recipient agrees—

(A) to use the vessel for public safety activities;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function.

(d) VESSELS AND RECIPIENTS.—The vessels and recipients referred to in subsection (a) are the following:

(1) A 21-foot rigid hull Coast Guard vessel, to the Berrien County Sheriff's Department, Berrien County, Michigan.

(2) A 44-foot motor life boat, to the Port Norris Fire Company, Commercial Township, New Jersey.

(3) A 44-foot motor life boat, to the City of Margate, New Jersey.

(4) A 44-foot motor life boat, to the Lower Alloway Creek Fire Company, Hancocks Bridge, New Jersey.

(5) A 44-foot motor life boat, to the Fortescue Fire Rescue Company 1, Downe Township, New Jersey.

(6) A 21-foot rigid hull inflatable, to the Longport Volunteer Fire Department, Longport, New Jersey.

(7) A 21-foot rigid hull inflatable, to West Wildwood Fire Company, West Wildwood, New Jersey.

(8) A 21-foot rigid hull inflatable, to the San Diego Unified Port District, California.

SEC. 6___. ASSATEAGUE LIGHTHOUSE LENS.

The Secretary of the department in which the Coast Guard is operating shall convey to the Oyster and Maritime Museum, located in Chincoteague, Virginia, without consideration, all right, title, and interest of the United States in and to the first order Fresnel lens formerly used in the Assateague Lighthouse located on Assateague Island, Virginia.

SEC. 6___. STUDY OF THE ROLE OF COAST GUARD ICE BREAKERS IN SUPPORTING UNITED STATES OPERATIONS IN THE ANTARCTIC AND THE ARCTIC.

(a) IN GENERAL.—The Commandant of the Coast Guard may enter into an arrangement with the Polar Research Board and the Marine Board of the National Academy of Sciences to—

(1) conduct a study of the role of Coast Guard icebreakers in supporting United States operations in the Antarctic and the Arctic, including—

(A) roles in logistics and material support and a general inventory of contributions to science in both regions;

(B) alternative methods for staging, supporting, and conducting Arctic and Antarctic activities other than by use of Coast Guard icebreakers;

(C) the operational status of the POLAR STAR and POLAR SEA, including the projected life expectancy of vessel systems, and strategies for extending the service life of these vessels; and

(D) key short-term and long-term functions provided by the Coast Guard icebreaker fleet and how these functions might be addressed under different service life extension and replacement scenarios; and

(2) conduct a study of changes in the roles and missions of Coast Guard icebreakers in the support of future marine operations in the Arctic that may develop due to environmental change, including—

(A) the amount and kind of icebreaking support that may be required in the future to support marine operations in the Northern Sea Route and the Northwest Passage;

(B) the suitability of the Polar Class icebreakers for these new roles; and

(C) appropriate changes in existing laws governing Coast Guard icebreaking operations and the potential for new operating regimes.

(b) REPORT.—Not later than 18 months after the date of enactment of the Act, the Commandant shall submit a report on the studies required under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) CHARGE FOR ICEBREAKING SERVICES.—After the date on which the Commandant submits the report under subsection (b), and notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may charge other Federal agencies for the Secretary's cost of providing icebreaking and related transportation services to those agencies.

SEC. 6___. CORRECTION OF REFERENCES TO NATIONAL DRIVER REGISTER.

Title 46, United States Code, is amended—

(1) in section 7302—

(A) by striking ''section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)'' and inserting ''30305(b)(5) of title 49''; and

(B) by striking ''section 205(a)(3)(A) or (B) of that Act'' and inserting ''30304(a)(3)(A) or (B) of title 49'';

(2) in section 7702(d)(1)(B)(iii) by striking ''section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982'' and inserting ''section 30304(a)(3)(A) or (B) of title 49''; and

(3) in section 7703(3) by striking ''section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982'' and inserting ''section 30304(a)(3)(A) or (B) of title 49''.

SEC. 6___. WATEREE RIVER.

For purposes of bridge administration, the portion of the Wateree River in the State of South Carolina, from a point 100 feet upstream of the railroad bridge located at approximately mile marker 10.0 to a point 100 feet downstream of such bridge, is declared to not be navigable waters of the United States for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

SEC. 6___. ALASKA MERCHANT MARINERS' DOCUMENTS PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a pilot program in the 17th Coast Guard District to demonstrate methods to improve processing and procedures for issuing merchant mariners' documents.

(b) USE OF EXISTING TOOLS.—Before conducting the pilot program authorized under subsection (a), the Secretary shall consult with the Secretary of the Air Force regarding the efficiency and effectiveness of the content management technology and information management tools that are currently used by the department of the Air Force in the Air Force Publishing Directorate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $5,000,000 to carry out the pilot program under subsection (a).

SEC. 6___. CONVEYANCE OF SENTINEL ISLAND LIGHT STATION, ALASKA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Department in which the Coast Guard is operating shall convey, by an appropriate

means of conveyance, all right, title, and interest of the United States in and to the Sentinel Island Light Station and Sentinel Island, Alaska, to the Gastineau Channel Historical Society.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) LIMITATION.—The Secretary may not under this section convey—

(A) any historical artifact, including any lens or lantern, located on property conveyed under this section at or before the time of the conveyance; or

(B) any interest in submerged land.

(b) GENERAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—Any conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Secretary may consider appropriate, including the reservation of easements and other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, any conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property, at the option of the Secretary shall revert to the United States and be placed under the administrative control of the Secretary, if—

(A) the property, or any part of the property—

(i) ceases to be available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation, or other similar purposes specified for the property in the terms of conveyance;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this section; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (4) established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Secretary provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—Any conveyance of property under this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed that are active aids to navigation shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant of the Coast Guard;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining, and inspecting aids to navigation and for the purpose of enforcing compliance with this subsection; and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) MAINTENANCE OF PROPERTY.—

(A) IN GENERAL.—Subject to subparagraph (B), the owner of a property conveyed under this section shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(B) LIMITATION.—The owner of a property conveyed under this section is not required to maintain any active aids to navigation on the property, except private aids to navigation authorized under section 83 of title 14, United States Code.

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

(1) AIDS TO NAVIGATION.—The term ''aids to navigation'' means equipment used for navigation purposes, including a light, antenna, radio, sound signal, electronic navigation equipment, or other associated equipment that are operated or maintained by the United States.

(2) OWNER.—The term ''owner'' means, for property conveyed under this section, the person to which property is conveyed under subsection (a)(1), and any successor or assign of that person.

SEC. 6___. MARITIME INTELLIGENCE AND LONG-RANGE VESSEL TRACKING SYSTEM.

(a) MARITIME INTELLIGENCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $25,000,000 for fiscal year 2004 to implement a system to carry out section 70113(a) of title 46, United States Code.

(2) SYSTEM REQUIREMENT.—Any system implemented with amounts made available under this subsection shall—

(A) include a vessel terrorism risk profiling system that assigns incoming vessels a risk rating; and

(B) be based on independently verified intelligence data.

(b) VESSEL TRACKING SYSTEM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Department in which the Coast Guard is operating $12,000,000 for fiscal year 2004 to carry out section 70115 of title 46, United States Code.

(2) SYSTEM REQUIREMENTS.—Any automated vessel tracking system implemented with amounts made available under this subsection shall be operated by an existing nonprofit maritime organization that—

(A) operates satellite communications systems, and vessel tracking software and hardware; and

(B) can have nationwide vessel tracking capability in operation by no later than 90 days after the date the organization enters into a contract with the Coast Guard to establish and operate the system.

SEC. 6___. COLUMBIA SLOUGH.

Section 325 of Public Law 97–369 (96 Stat. 1785) is repealed.

SEC. 6___. SENSE OF CONGRESS REGARDING CARBON MONOXIDE AND WATERCRAFT.

It is the sense of the Congress that the Coast Guard should continue—

(1) to place a high priority on addressing the safety risks posed to boaters by elevated levels of carbon monoxide that are unique to watercraft; and

(2) to work with vessel and engine manufacturers, the American Boat & Yacht Council, other Federal agencies, and the entire boating community in order to determine the best ways to adequately address this public safety issue and minimize the number of tragic carbon monoxide-related boating deaths that occur each year.

SEC. 6___. SENSE OF CONGRESS REGARDING NAMING NEW VESSELS UNDER THE DEEPWATER PROGRAM FOR CITIES OF THE UNITED STATES.

It is the sense of the Congress that the Coast Guard should consider including in its naming protocols for new vessels constructed under the Deepwater Program the names of cities of the United States and its territories and possessions.

SEC. 6___. PORT SECURITY GRANT AUTHORITY.

(a) IN GENERAL.—Section 70107 of title 46, United States Code, is amended—

(1) in subsection (a) by striking ''Secretary of Transportation, acting through the Maritime Administrator,'' and inserting ''Secretary, acting through the Commandant of the Coast Guard,'';

(2) by striking ''Secretary of Transportation'' each place it appears and inserting ''Secretary, acting through the Commandant of the Coast Guard,''; and

(3) by striking ''Department of Transportation'' each place it appears and inserting ''department in which the Coast Guard is operating''.

(b) EFFECTIVE DATE.—Subsection (a)—

(1) shall take effect October 1, 2004; and

(2) shall not affect any grant made before that date.

SEC. 6___. SECURITY ASSESSMENT OF INDIAN POINT ENERGY CENTER.

Not later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall—

(1) conduct a vulnerability assessment under section 70102(b) of title 46, United States Code, of the navigable waters adjacent to Indian Point Energy Center, located in Westchester County, New York; and

(2) submit a report on that assessment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate.

SEC. 6___. MITIGATION OF PENALTY DUE TO AVOIDANCE OF A CERTAIN HAZARDOUS CONDITION.

(a) TREATMENT OF VIOLATION.—For purposes of any administrative proceeding to consider mitigation of any civil penalty for a violation described in subsection (b), such violation is deemed to have been committed by reason of a safety concern.

(b) VIOLATION DESCRIBED.—A violation referred to in subsection (a) is any violation of the Act of June 19, 1886 (chapter 421; 46 App. U.S.C. 289), occurring before August 1, 2003, and consisting of operation of a passenger vessel in transporting passengers—

(1) between the Port of New Orleans and another port on the Gulf of Mexico at a time when the power lines across the Mississippi River at Chalmette, Louisiana, are a hazard to the safe return transport of passengers on that vessel to the Port of New Orleans; or

(2) in repositioning the vessel to the Port of New Orleans after that hazard is temporarily resolved.

SEC. 6___. DESIGNATION OF EMPRESS OF THE NORTH AS A TOUR VESSEL.

Notwithstanding any other law, the passenger vessel EMPRESS OF THE NORTH (United States official number 1140867) is deemed to be a tour vessel for the purpose of the regulations promulgated by the Secretary of the Interior under section 3(h) of Public Law 91–383 (16 U.S.C. 1a–2(h)) and section 3 of the Act of August 25, 1916 (16 U.S.C. 3), with respect to vessel operations in Glacier Bay National Park and Preserve, Alaska.

SEC. 6___. SENSE OF CONGRESS REGARDING TIMELY REVIEW AND ADJUSTMENT OF GREAT LAKES PILOTAGE RATES.

It is the sense of the Congress that the Secretary of the department in which the

Coast Guard is operating should, on a timely basis, review and adjust the rates payable under part 401 of title 46, Code of Federal Regulations, for services performed by United States registered pilots on the Great Lakes.

Strike section 703 (page 46, beginning at line 19) and insert the following:

SEC. 703. LIABILITY AND COST RECOVERY.

(a) DEFINITION OF OWNER OR OPERATOR.—Section 1001(26) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(26)) is amended to read as follows:

''(26) 'owner or operator'—

''(A) means—

''(i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

''(ii) in the case of an onshore or offshore facility, any person owning or operating such facility;

''(iii) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

''(iv) in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated, or otherwise controlled activities at such facility immediately beforehand;

''(v) notwithstanding subparagraph (B)(i), any State or local government that has caused or contributed to a discharge or substantial threat of a discharge of oil from a vessel or facility ownership or control of which was acquired involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign; and

''(vi) notwithstanding subparagraph (B)(ii), a person that is a lender and that holds indicia of ownership primarily to protect a security interest in a vessel or facility if, while the borrower is still in possession of the vessel or facility encumbered by the security interest, the person—

''(I) exercises decisionmaking control over the environmental compliance related to the vessel or facility, such that the person has undertaken responsibility for oil handling or disposal practices related to the vessel or facility; or

''(II) exercises control at a level comparable to that of a manager of the vessel or facility, such that the person has assumed or manifested responsibility—

''(aa) for the overall management of the vessel or facility encompassing day-to-day decisionmaking with respect to environmental compliance; or

''(bb) over all or substantially all of the operational functions (as distinguished from financial or administrative functions) of the vessel or facility other than the function of environmental compliance; and

''(B) does not include—

''(i) a unit of State or local government that acquired ownership or control of a vessel or facility involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign;

''(ii) a person that is a lender that does not participate in management of a vessel or facility, but holds indicia of ownership primarily to protect the security interest of the person in the vessel or facility; or

''(iii) a person that is a lender that did not participate in management of a vessel or facility prior to foreclosure, notwithstanding that the person—

''(I) forecloses on the vessel or facility; and

''(II) after foreclosure, sells, re-leases (in the case of a lease finance transaction), or liquidates the vessel or facility, maintains business activities, winds up operations, undertakes a removal action under 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 311(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan, with respect to the vessel or facility, or takes any other measure to preserve, protect, or prepare the vessel or facility prior to sale or disposition,

if the person seeks to sell, re-lease (in the case of a lease finance transaction), or otherwise divest the person of the vessel or facility at the earliest practicable, commercially reasonable time, on commercially reasonable terms, taking into account market conditions and legal and regulatory requirements;''.

(b) OTHER DEFINITIONS.—Section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701) is amended by striking ''and'' after the semicolon at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting a semicolon, and by adding at the end the following:

''(38) 'participate in management'—

''(A)(i) means actually participating in the management or operational affairs of a vessel or facility; and

''(ii) does not include merely having the capacity to influence, or the unexercised right to control, vessel or facility operations; and

''(B) does not include—

''(i) performing an act or failing to act prior to the time at which a security interest is created in a vessel or facility;

''(ii) holding a security interest or abandoning or releasing a security interest;

''(iii) including in the terms of an extension of credit, or in a contract or security agreement relating to the extension, a covenant, warranty, or other term or condition that relates to environmental compliance;

''(iv) monitoring or enforcing the terms and conditions of the extension of credit or security interest;

''(v) monitoring or undertaking one or more inspections of the vessel or facility;

''(vi) requiring a removal action or other lawful means of addressing a discharge or substantial threat of a discharge of oil in connection with the vessel or facility prior to, during, or on the expiration of the term of the extension of credit;

''(vii) providing financial or other advice or counseling in an effort to mitigate, prevent, or cure default or diminution in the value of the vessel or facility;

''(viii) restructuring, renegotiating, or otherwise agreeing to alter the terms and conditions of the extension of credit or security interest, exercising forbearance;

''(ix) exercising other remedies that may be available under applicable law for the breach of a term or condition of the extension of credit or security agreement; or

''(x) conducting a removal action under 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan,

if such actions do not rise to the level of participating in management under subparagraph (A) of this paragraph and paragraph (26)(A)(vi);

''(39) 'extension of credit' has the meaning provided in section 101(20)(G)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(i));

''(40) 'financial or administrative function' has the meaning provided in section 101(20)(G)(ii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(ii));

''(41) 'foreclosure' and 'foreclose' each has the meaning provided in section 101(20)(G)(iii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iii));

''(42) 'lender' has the meaning provided in section 101(20)(G)(iv) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iv));

''(43) 'operational function' has the meaning provided in section 101(20)(G)(v) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(v)); and

''(44) 'security interest' has the meaning provided in section 101(20)(G)(vi) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(vi)).''.

(c) DEFINITION OF CONTRACTUAL RELATIONSHIP.—Section 1003 of the Oil Pollution Act of 1990 (33 U.S.C. 2703) is amended by adding at the end the following:

''(d) DEFINITION OF CONTRACTUAL RELATIONSHIP.—

''(1) IN GENERAL.—For purposes of subsection (a)(3) the term 'contractual relationship' includes, but is not limited to, land contracts, deeds, easements, leases, or other instruments transferring title or possession, unless—

''(A) the real property on which the facility concerned is located was acquired by the responsible party after the discharge of the oil on, in, or at the facility;

''(B) one or more of the circumstances described in subparagraph (A), (B), or (C) of paragraph (2) is established by the responsible party by a preponderance of the evidence; and

''(C) the responsible party complies with paragraph (3).

''(2) REQUIRED CIRCUMSTANCE.—The circumstances referred to in paragraph (1)(B) are the following:

''(A) At the time the responsible party acquired the real property on which the facility is located the responsible party did not know and had no reason to know that oil that is the subject of the discharge or substantial threat of discharge was located on, in, or at the facility.

''(B) The responsible party is a government entity that acquired the facility—

''(i) by escheat;

''(ii) through any other involuntary transfer or acquisition; or

''(iii) through the exercise of eminent domain authority by purchase or condemnation.

''(C) The responsible party acquired the facility by inheritance or bequest.

''(3) ADDITIONAL REQUIREMENTS.—For purposes of paragraph (1)(C), the responsible party must establish by a preponderance of the evidence that the responsible party—

''(A) has satisfied the requirements of section 1003(a)(3)(A) and (B);

''(B) has provided full cooperation, assistance, and facility access to the persons that are authorized to conduct removal actions, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial removal action;

''(C) is in compliance with any land use restrictions established or relied on in connection with the removal action; and

''(D) has not impeded the effectiveness or integrity of any institutional control employed in connection with the removal action.

''(4) REASON TO KNOW.—

''(A) APPROPRIATE INQUIRIES.—To establish that the responsible party had no reason to know of the matter described in paragraph (2)(A), the responsible party must demonstrate that—

''(i) on or before the date on which the responsible party acquired the real property on which the facility is located, the responsible party carried out all appropriate inquiries, as provided in subparagraphs (B) and (D), into the previous ownership and uses of the real property on which the facility is located in accordance with generally accepted good commercial and customary standards and practices; and

''(ii) the responsible party took reasonable steps to—

''(I) stop any continuing discharge;

''(II) prevent, minimize or mitigate any substantial threat of discharge; and

''(III) prevent or limit any human, environmental, or natural resource exposure to any previously discharged oil.

''(B) REGULATIONS ESTABLISHING STANDARDS AND PRACTICES.—Not later than 2 years after the date of the enactment of this paragraph, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under subparagraph (A).

''(C) CRITERIA.—In promulgating regulations that establish the standards and practices referred to in subparagraph (B), the Secretary shall include in such standards and practices provisions regarding each of the following:

''(i) The results of an inquiry by an environmental professional.

''(ii) Interviews with past and present owners, operators, and occupants of the facility and the real property on which the facility is located for the purpose of gathering information regarding the potential for contamination at the facility and on the real property on which the facility is located.

''(iii) Reviews of historical sources, including, to the extent available, chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property on which the facility is located since the property was first developed.

''(iv) Searches for recorded environmental cleanup liens against the facility and the real property on which the facility is located that are filed under Federal, State, or local law.

''(v) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility and on the real property on which the facility is located.

''(vi) Visual inspections of the facility, the real property on which the facility is located, and adjoining properties.

''(vii) Specialized knowledge or experience on the part of the responsible party.

''(viii) The relationship of the purchase price to the value of the facility and the real property on which the facility is located, if the facility or the real property was not contaminated.

''(ix) Commonly known or reasonably ascertainable information about the facility and the real property on which the facility is located.

''(x) The degree of obviousness of the presence or likely presence of contamination at the facility and on the real property on which the facility is located, and the ability to detect contamination by appropriate investigation.

''(D) INTERIM STANDARDS AND PRACTICES.—

''(i) REAL PROPERTY PURCHASED BEFORE MAY 31, 1997.—With respect to real property purchased before May 31, 1997, in making a determination with respect to a responsible party described in subparagraph (A), a court or appropriate official shall take into account—

''(I) any specialized knowledge or experience on the part of the responsible party;

''(II) the relationship of the purchase price to the value of the facility and the real property on which the facility is located, if the facility or the real property was not contaminated;

''(III) commonly known or reasonably ascertainable information about the facility and the real property on which the facility is located;

''(IV) the obviousness of the presence or likely presence of contamination at the facility and on the real property on which the facility is located; and

''(V) the ability of the responsible party to detect contamination by appropriate inspection.

''(ii) REAL PROPERTY PURCHASED ON OR AFTER MAY 31, 1997.—With respect to real property purchased on or after May 31, 1997, until the Secretary promulgates the regulations described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527–97', entitled 'Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process', shall satisfy the requirements in subparagraph (A).

''(E) SITE INSPECTION AND TITLE SEARCH.—In the case of real property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, inspection and title search of the facility and the real property on which the facility is located that reveal no basis for further investigation shall be considered to satisfy the requirements of this paragraph.

''(5) PREVIOUS OWNER OR OPERATOR.—Nothing in this paragraph or in section 1003(a)(3) shall diminish the liability of any previous owner or operator of such facility who would otherwise be liable under this Act. Notwithstanding this paragraph, if a responsible party obtained actual knowledge of the discharge or substantial threat of discharge of oil at such facility when the responsible party owned the facility and then subsequently transferred ownership of the facility or the real property on which the facility is located to another person without disclosing such knowledge, the responsible party shall be treated as liable under 1002(a) and no defense under section 1003(a) shall be available to such responsible party.

''(6) LIMITATION ON DEFENSE.—Nothing in this paragraph shall affect the liability under this Act of a responsible party who, by any act or omission, caused or contributed to the discharge or substantial threat of discharge of oil which is the subject of the action relating to the facility.''.

SEC. 704. OIL SPILL RECOVERY INSTITUTE.

(a) TERMINATION OF FUNDING FOR INSTITUTE.—Section 5001(i) of the Oil Pollution Act of 1990 (33 U.S.C. 2731(i)) is amended by striking ''September 30, 2012'' and inserting ''one year after the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of the Interior, determines that oil and gas exploration, development, and production in Alaska have ceased''.

(b) USE OF FUNDING FOR SECTION 1012 OF OPA.—Subsection (c) of section 5006 of the Oil Pollution Act of 1990, as added by section 1102(b)(4) of Public Law 104–324 (110 Stat. 3965; 33 U.S.C. 2736(c)), is amended by striking ''with the eleventh year following the date of enactment of the Coast Guard Authorization Act of 1996,'' and inserting ''one year after the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of the Interior, determines that oil and gas exploration, development, and production in Alaska have ceased,''.

SEC. 705. ALTERNATIVES.

Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended to read as follows:

''(3) No later than one year after the date of enactment of the Coast Guard and Maritime Transportation Act of 2003, the Secretary shall, taking into account the recommendations contained in the report by the Marine Board of the National Research Council entitled 'Environmental Performance of Tanker Design in Collision and Grounding' and dated 2001, establish and publish an environmental equivalency evaluation index (including the methodology to develop that index) to assess overall outflow performance due to collisions and groundings for double hull tank vessels and alternative hull designs.''.

At the end of title VI (page 43, after line 2) insert the following:

SEC. 6___. PRIORITY FOR PUBLIC TRANSPORTATION SYSTEMS IN MAKING GRANTS FOR IMPLEMENTATION OF SECURITY PLANS.

Section 70107(e) of title 46, United State Code, is amended by adding at the end the following:

''(5) PRIORITY FOR PUBLIC TRANSPORTATION SYSTEMS.—

''(A) PRIORITY.—In making grants under subsection (a) the Secretary of Transportation shall give priority to otherwise eligible projects concerning implementation of security plans with respect to public transportation systems.

''(B) REGULATIONS.—The Secretary shall issue regulations establishing procedures and requirements for awarding grants pursuant to the priority required by this paragraph.''.

Mr. LOBIONDO (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LOBIONDO. Madam Chairman, I rise to offer an amendment which has been worked out with the minority to make changes from the reported bill.

In addition to reaching an agreement with the full committee ranking Democratic member, the gentleman from Minnesota (Mr. OBERSTAR), the amendment includes provisions that have been proposed by the gentleman from North Carolina (Mr. JONES), the gentleman from New York (Mr. ENGEL), the gentleman from Michigan (Mr. STUPAK), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentleman from Indiana (Mr. HOSTETTLER), the gentleman from Virginia (Mr. SCHROCK), the gentleman from Louisiana (Mr. VITTER), the gentleman from Maryland (Mr. GILCHREST), the gentleman from Oregon (Mr. BLUMENAUER), the gentleman from Colorado (Mr. MCINNIS), the gentlewoman from California (Ms. HARMAN), the gentleman from South Carolina (Mr. SPRATT), the gentleman from Michigan (Mr. UPTON), and the gentleman from Washington (Mr. INSLEE). I appreciate the interest of all of these Members in this bill, and I look forward to their support today.

The amendment restructures the authorization to match the format used in the appropriation measure which funds the Coast Guard. It also makes changes to laws governing management of the Coast Guard. The amendment protects the Coast Guardsmen while they are forced to use disabling fire. It also authorizes a Coast Guard ROTC pilot program, allows the Coast Guard yard to work with private firms on government ship repair jobs, and allows the commandant to make recommendations directly to Congress.

The amendment also makes changes to shipping laws. It sets standards for vessel classification societies operating in the United States, and specifies membership in maritime security advisory committees.

Finally, the amendment contains other numerous issues of interest to members. It allows the Coast Guard to convey certain property it no longer uses, requires long-overdue regulations to be published by February 1, 2004, mandates a National Academy of Science study of future polar icebreaking needs, establishes a pilot project for improving the technology related to issuing merchant mariners' documents. It also authorizes funds to implement an intelligence-based vessel profiling system and a long-rang automated vessel tracking system for vessels operating in U.S. waters, and expresses the sense of Congress that Coast Guard should address safety risks posed by elevated levels of carbon monoxide in recreational vessels.

Again, this amendment has been worked out on a bipartisan basis. It incorporates numerous provisions sought by Members of both parties. It also makes improvements to U.S. maritime policy and Coast Guard management. I urge Members to vote in favor of this amendment.

Madam Chairman, I yield the balance of my time to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Madam Chairman, I think the gentleman made a very good point about the bipartisan bill. As the gentleman read Members' names off of amendments that were worked out, it shows we can work together and that there is a good relationship between the majority and the minority. In fact, some of those amendments, if there was any hostility, I would not have accepted by some of the Members; but because we tried to work out the differences, I believe we have come out with a very good bill.

Again, I want to thank the subcommittee chairman and the ranking member for their work on this legislation, understanding there will be some discussion on other amendments. Overall, we have settled every difficult amendment prior to coming to the floor. That is one thing I pride this committee on, is working behind the scenes, in front of the scenes, and making sure the scene is finally done. And this bill does it, and I compliment the gentlemen. I also thank the staff who worked very hard on this legislation over the past 6 to 8 months. We have come out with a very good product.

Mr. OBERSTAR. Madam Chairman, I rise in support of the amendment.

The amendment addresses a number of issues. It is always a puzzle to people, if we bring a bill to the floor, why do we have a manager's amendment? Well, because from the time the bill leaves the committee and gets to the floor, there are issues that either were fermenting and developing or that arose from the time the committee reports a bill, and that is the case here.

We first have the Reserve Officer Training Program for Coast Guard officers that is established in the context of this manager's amendment, requiring all of the classification societies, including foreign classification societies, that want to do business in the United States, directly or indirectly through agents, to be licensed by the Coast Guard. We clarify that foreign flag vessels have to have security plans submitted to the Coast Guard in writing and may not operate after July 1, 2004, unless those plans have been reviewed and approved by the Coast Guard. A provision from the gentlewoman from California (Ms. MILLENDER-MCDONALD) to transfer responsibility for port security grants from DOT to Coast Guard in the Department of Homeland Security, that is a procedural matter; and the matter raised by the gentleman from New York (Mr. ENGEL), which he adequately discussed just a moment ago on the Indian Point nuclear energy facility.

Finally, we will not have to deal with the issue of the authority in the basic bill for the Coast Guard to suspend or revoke a license if the mariner has been found to have operated a vessel in a negligent manner, or to have interfered with the safe operation of a vessel, endangering life or property. That has been discussed.

I think this manager's amendment does all of the right things and does what a manager's amendment is supposed to do. I appreciate the work of the gentleman from New Jersey (Mr. LOBIONDO). And as he and the gentleman from Alaska (Mr. YOUNG) have noted, we have had full participation and discussion between the majority and the minority on this matter in the historic tradition of our committee.

Mrs. LOWEY. Madam Chairman, I rise in support of a provision authored by my colleague and good friend from New York, ELIOT ENGEL, and included in the Manager's amendment. The provision would close a critical security loophole by requiring the Coast Guard to conduct a vulnerability assessment of the Indian Point Energy Center in Buchanan, NY.

Since September 11, 2001, intelligence officials have amassed a critical body of evidence suggesting terrorist intentions to strike our nuclear infrastructure. Plans of U.S. nuclear facilities were discovered in Al Qaeda caves during U.S. military operations in Afghanistan. Most recently, reports of a terrorist plan to sabotage the Palo Verde nuclear power plants in Arizona were sufficiently serious that the National Guard was immediately deployed to secure the plant.

The public health and economic consequences of an attack on a nuclear power plant are almost too chilling to contemplate. Congressman ENGEL and I, whose districts abut Indian Point on the eastern banks of the Hudson River in Buchanan, have been briefed in detail on these scenarios. In 1982, the NRC commissioned a study which found that a meltdown at Indian Point—which lies within 50 miles of 21 million people—could lead to 123,000 short- and long-term deaths, over 300,000 injuries, and property damages conservatively estimated at over $1 trillion. Factoring the fourfold increase in property values in the New York metropolitan area since the study, the damages for our region could reach $2.3 trillion.

These devastating impacts justify the strongest possible security posture. While the NRC has required power plants to erect road barriers, increase the distance between security check points and the plants, and add perimeter fencing, the Commission has neglected the possibility of a waterborne attack. Cooperation and coordination between the Coast Guard and private security teams at the plant is lacking. Indeed, in July, 2003, the NRC aborted a force-on-force test at the plants when Coast Guard personnel, who had not been previously informed of the drill, threatened to use their live ammo against the mock attackers.

In October, 2002, Riverkeeper, a local nuclear watchdog group, approached Indian Point in a small boat. A Naval Militia cutter, manned by two officers, stopped them well outside of the security buoys. During the encounter, terrorists could have easily snuck behind the distracted militia boat and struck the unprotected plants. Moreover, neither of the militia officers carried weapons—only radios. Needless to say, their poorly maintained boat, which actually broke down as they returned to shore, would have been quickly overwhelmed by a well-armed attacking force.

The Indian Point episode vividly illustrates the need for a thorough assessment by the Coast Guard of the plant's security plans.

The NRC's casual dismissal of waterborne threats constitutes, in my estimation, a glaring oversight. We underestimate terrorists' capabilities at our own peril. In a recent article, maritime security expert Vijay Sakhuja notes that Al Qaeda and other international terrorist organizations possess ''substantial maritime capabilities'' and have developed the ''capacity to disrupt and even destroy regional maritime infrastructure.'' The article discusses in detail Al Qaeda's perfection of ''kamikaze'' tactics.

We can no longer afford to leave water approaches to nuclear reactors unprotected. The Coast Guard must carefully review Indian Point's security plans now to prevent a future terrorist attack.

I want to again thank my good friend ELIOT ENGEL for his leadership on this issue, and urge my colleagues to support the amendment.

The CHAIRMAN pro tempore. Is there any further debate on the amendment?

The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

Page 21, line 9, strike the close quotation marks and the following period.

Page 21, after line 9, insert the following:

''(e) RESTRICTION ON LOCATION.—The museum established under this section may not be located on any property that is condemned or taken after December 31, 1999, by eminent domain by the Federal Government, by a State or local government, or by any other person acting under a delegation of authority from a State or local government.''.

Mr. DEFAZIO. Madam Chairman, as was discussed earlier, there were issues that arose. At least in my case I was contacted by an attorney representing a number of homeowners, Mr. Scott Bullock of the Institute for Justice, after the committee mark. I have discussed this with a number of members of the committee.

This is a simple amendment, and there seems to be some consensus on the objective. The problem is that the bill has no statement regarding the issue of eminent domain. It is silent on that issue. In fact, that was confirmed in a letter that I received today from the Chamber of Commerce of Eastern Connecticut, which says the bill does not address the issue of eminent domain and we believe it should be left to the local judicial process.

Certainly condemnation of property in New London, Connecticut, should be left to the local judicial process; but the issue of whether or not a Federal facility, the Coast Guard Museum, might be sited on property taken by eminent domain is the business of this Congress and this committee.

I feel strongly about this issue. We have families that have lived for generations on this site. I have letters from five people who are affected homeowners, but this is from the son of one: ''My great-grandmother's family moved to this neighborhood from northern Italy in the 1890s. My mother was born in her house at 87 Wabach Street in 1918, never lived anywhere else. She married my father, a merchant marine in World War II in 1945. They have lived in the house for 56 years. She has seen three of her four children die in this property, including her first. These houses are not simply buildings on a plot of land, but home for her with a lifetime of memories. I live with my wife, son, and niece in a home right next door.'' The letter has other sections that are pertinent.

I will just read one other letter: ''I hope all Members of Congress will recognize that if the Coast Guard Museum is ultimately built on property that has been taken through eminent domain, it will be forever tainted. There is no honor in kicking my mother, an 85-year-old woman, or my father, who fought for this country in World War II, out of the only home she has ever known to make room for a museum that celebrates the past, present, and future of the Coast Guard, a service whose history is steeped in honor and integrity.''

That is the issue before this body. It is quite simple. The bill is silent on this issue. A proceeding has begun locally, and that is up to the local jurisdiction to take this property by eminent domain with the idea that the museum would be sited there. The commandant of the Coast Guard, I have been told, says they do not want to take property by eminent domain. I would hope it would also mean that they do not want the museum to ever be sited on property that was taken by eminent domain with the intent of them moving there, and this would just make that clear.

This amendment would say any property condemned or taken after December 31, 1999, by eminent domain by the Federal Government, State or local government, or any other person acting under a delegation of authority. And that is what has happened in Connecticut; the local government has delegated to a development group the authority to take this property by eminent domain. It is pending in the courts of Connecticut.

If we do not adopt this amendment, the museum could end up on property that was taken from families who have lived there for generations by a local corporation, if it is upheld by the State courts to site the museum. There seems to be broad consensus on the objective. I offered to the gentleman whose project this is, and it is a meritorious project, and I congratulate him on that, to make this a friendly amendment since he agrees he does not want eminent domain used. I said I would be happy if we could do it as a friendly amendment. The gentleman does not want to do that. I hope the gentleman will explain why, and if he wants to contest that the bill somehow restricts eminent domain, I hope he cites from a specific section of the bill because I have read the only section that pertains to this. There is no mention of restriction on siting this museum on property taken by eminent domain, and it seems to me there is no good reason why we should not adopt this amendment. I would hope the committee would move forward and look at it as a friendly amendment and adopt it.

Mr. SIMMONS. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, I thank my colleagues for working with me to establish a national Coast Guard Museum. This issue of eminent domain came up at a business meeting of the subcommittee on June 12, 2003, when I offered legislation to create a national Coast Guard Museum that was designed to extend the curriculum of the cadets at the academy and also for the leadership courses which take place in New London, which is the location of the academy.

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Currently there is a one-room museum on academy grounds that is used for this purpose. It is inadequate for this purpose, and for years we have wanted to expand that facility into what we call the National Coast Guard Museum. The distinguished ranking member of the committee raised an objection at the time and stated that while he felt the language was well-intentioned and a good idea, a number of problems were brought to his attention by a homeowners association raising concerns. This was the issue of the displacement of people under eminent domain authority, an issue that I share his concern about.

In the context of the subcommittee meeting, I was asked by the distinguished chairman of the subcommittee, the gentleman from New Jersey, if I would be willing to withdraw my amendment and work with the distinguished ranking member on language which addressed this issue. In the intervening weeks, we did just that. On Wednesday, June 25, alternative language was introduced which is now in the bill, which I believed and I think others believed address the issue. When it was passed unanimously by the committee, I thanked the ranking member, I thanked the chairman of the committee and the subcommittee for their cooperation on this matter. It has only been in the last week that I have discovered that another Member had concerns about this language.

It is true that the bill is silent on the issue of eminent domain. That was the intent. Because issues of eminent domain, especially issues that are in litigation, should not be affected one way or another by legislative action. But what the language of subsection (d) does which is so important and it does it in what I consider to be a very elegant way, and I thank the ranking member and his staff for coming up with this formulation. It says, before the date on which the Commandant establishes a museum under subsection (a), the Commandant shall provide to the committee, shall, he has no choice. He must do it. He must provide to the Committee on Transportation and Infrastructure a plan for operating and maintaining such a museum which gives us as members of the committee the opportunity to say yes or to say no. That is where the discussion of eminent domain from our standpoint should take place, from my point of view, not legislating language that would interfere with ongoing litigation involving the State, the municipality and other instruments. I believe firmly that this is the solution that we were looking for. This is the solution that very elegantly threads the needle on this difficult issue. I was grateful to the ranking member and to the other members of the committee for this assistance in coming up with this language.

We all know that the Coast Guard has assumed new duties and a new role since September 11. We all know that the Coast Guard is the only uniformed service that currently does not have a

national-level museum. The Army, and I was proud to serve in the Army for 37 years, has 46 museums. The Marine Corps has six. The Navy has 11, and so on and so on and so forth.

But let us take the discussion of eminent domain just one step further. Following the action of the full committee on June 25, the New London Day published an article the following day which says, Museum Proposal Makes Progress. Congressional Panel Approves, et cetera, et cetera.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The time of the gentleman from Connecticut (Mr. SIMMONS) has expired.

Mr. SIMMONS. Madam Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. DEFAZIO. Reserving the right to object, Madam Chairman, if the gentleman will give me the courtesy of an additional 2 minutes to respond, I would be happy not to object.

Madam Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SIMMONS. Madam Chairman, it states, very briefly, the oversight provision, this is subsection (d), will enable Members of Congress to continue to raise questions as the project proceeds and should make it harder for backers of the museum to pursue the Fort Trumbull site, according to Scott Bullock, attorney for the Institute for Justice. Then it goes on to make several other statements in that line.

I think it is apparent, based on the reading of the RECORD and based on the reading of that public news story, that in crafting the oversight language, we met the objectives of dealing with the issue of eminent domain without interfering with litigation that may be taking place at a municipal or a State level. In that way, we have fulfilled our obligations and any further amendments to this effect are not helpful.

[From the New London Day, June 26, 2003]

MUSEUM PROPOSAL MAKES PROGRESS—CONGRESSIONAL PANEL APPROVES NL AS HOST FOR COAST GUARD PLAN

(By Judy Benson)

A Congressional subcommittee approved a measure Wednesday that authorizes the establishment of a Coast Guard museum in New London.

In addition, the measure, an amendment to a larger Coast Guard authorization bill, gives Congress continued oversight of the museum project, an addition that addresses concerns about using property taken by eminent domain.

The original measure was introduced by U.S. Rep. Rob Simmons, D–2nd District, with the oversight language added by other members of the panel concerned that property in the Fort Trumbull neighborhood in New London taken by eminent domain would be used.

The oversight provision will enable members of Congress to continue to raise questions as the project proceeds and should make it harder for backers of the Coast Guard museum to pursue the Fort Trumbull site, according to Scott Bullock, attorney for the Institute for Justice, The institute is representing property owners in the Fort Trumbull neighborhood in a lawsuit to block the city and the New London Development Corp. from taking the land by eminent domain as part of a redevelopment project.

Simmons said the action Wednesday is an important step toward the creation of the museum in New London, the home of the Coast Guard Academy. Earlier this month, Simmons proposed a similar amendment that he later withdrew when a ranking committee member brought up the eminent domain issue.

''Today's action in the House Transportation and Infrastructure Committee was a bipartisan stamp of approval to move forward and designate a national museum for the U.S. Coast Guard,'' Simmons said. ''Every other military service has at least six museums to commemorate their histories and service men and women. The Coast Guard deserves to have one.

''As the Coast Guard increases its responsibilities in a post-September 11 world,'' he continued, ''now is the time to honor the service and history of the many men and women in the Coast Guard with a national museum.''

The bill containing the amendment next goes to the full transportation committee for a vote and then to the full House. Funds to build the museum are to come from private groups.

Bullock said he considers Wednesday's action significant because it enables the museum project to move forward, but with the restriction of Congressional oversight even though federal funds have not been allocated for the museum.

''This demonstrates the very real concern in Congress about what is happening in New London and how eminent domain would be used,'' Bullock said.

He noted that the amendment said that the preferred site would be ''at or near the Coast Guard Academy,'' leaving the door open for a location in New London other than Fort Trumbull.

''There are ways to establish the museum in New London and make all parties happy,'' he said.

Coast Guard leaders remain committed to locating the museum near the academy, and are considering all options in New London, according to Jolie Shifflet, spokeswomen for the Coast Guard.

Mr. YOUNG of Alaska. Madam Chairman, will the gentleman yield?

Mr. SIMMONS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Is this museum going to be in the gentleman's district?

Mr. SIMMONS. The Coast Guard Academy is in my district.

Mr. YOUNG of Alaska. That is where the museum will be?

Mr. SIMMONS. That is where we hope the museum will be.

Mr. YOUNG of Alaska. This will not be built on Federal land?

Mr. SIMMONS. This will be built by an entity that was created to build the museum without the expenditure of Federal funds.

Mr. YOUNG of Alaska. There will be no Federal funds and not on Federal lands. It is not on Federal property as was just mentioned? I think the point here, and I have, as the gentleman from Oregon knows, some great interest in condemnation proceedings, which I do not approve of, but I do think it is wrong, though, for this body to get involved in a local government and in a State process in a condemnation deciding which side it should be on. It should be left up to the local governments to do this because there are no Federal lands involved and no Federal funds. I think gentleman's presentation is correct. Although, I do not like condemnation proceedings, I do think we have to look at the local government's position as well as the State, and we should butt out, frankly.

Mr. SIMMONS. I thank the chairman for those comments.

Mr. DEFAZIO. Madam Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Madam Chairman, the point here is that this says that a private entity will build this museum and then gift it to the Federal Government for operation. This is ultimately going to be an official museum of the United States Coast Guard, a Federal museum. This amendment does not interfere in the litigation for a taking. If this local development corporation indeed has the right under Connecticut law and the United States Constitution to take the land and throw these people off their property, they will have that right as determined by the courts. All this amendment says is that this Coast Guard museum, which is going to be a Coast Guard facility in the future after it is built and gifted to the Federal Government and the Coast Guard, will not be built on land that was condemned for that purpose, throwing families out of their homes. It is very simple. That is the issue before this Congress.

Mr. OBERSTAR. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, the subject at hand here is a matter that the gentleman from Connecticut and I did indeed discuss in the course of the markup on the Coast Guard authorization bill. I raised two questions. One was with respect to the funding the gentleman has discussed and language that he has read accurately from the committee bill. The second was the eminent domain issue. I recall how very poignantly the gentleman, in fact, we met in the Democratic sitting room off the committee floor, off the committee dias, told me how very poignantly his family had been displaced by an eminent domain proceeding and that he did not want to see anybody displaced by eminent domain. I read to him the language that the gentleman from Oregon has just a moment ago referred to from the Hartford newspaper. I was very distressed by this. People had written to me about it, especially that 87-year-old Italian immigrant

woman. Half Italian myself, I deeply sympathized with it.

But in further reviewing the matter since the issue was before the State supreme court, I said, I will desist from the eminent domain issue. Let us watch and see whether the court can resolve this matter. If not, we can revisit it again. So we bifurcated the issue and dealt with the Federal funding issue.

Now, comes the gentleman from Oregon who has been approached by the locals who very much are upset about this matter, and I understand his concern. Representing a western State, the gentleman from Oregon as the chairman of the full committee, frequently is crosscut by eminent domain issues and has confronted this matter time and again in the Committee on Resources. That is why, out of very deep personal conviction, he brings this issue to the floor. I say that for the RECORD. I want the RECORD to be clear. If the gentleman has any concern or question, I will be glad to give him a moment.

Mr. DEFAZIO. Madam Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Oregon.

Mr. DEFAZIO. I guess maybe we could establish at least one point here.

I would ask the gentleman from Connecticut if he would agree that the museum should not be placed on property that is condemned for that purpose.

Mr. OBERSTAR. I yield to the gentleman from Connecticut (Mr. SIMMONS) to respond.

Mr. SIMMONS. Madam Chairman, I thank the gentleman for his comments and his recollections. I refer to a letter from the Coast Guard in June of this year saying, the Coast Guard is not directly involved in the acquisition process. The issue of eminent domain is not for the Coast Guard to decide. We look forward to a resolution of these issues by the community.

If I could further add to the RECORD, the amendment, as drafted, would prevent any property that has been taken by eminent domain from being used for this purpose. If the Coast Guard, for example, was to decide to take the existing 3,500-square-foot facility and add a second and a third floor to it and call it the national museum, they could not because that property was taken by eminent domain back in the thirties.

DEPARTMENT OF HOMELAND SECURITY, U.S. COAST GUARD,
Washington, DC, June 18, 2003.

Hon. ROBERT SIMMONS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SIMMONS: I am writing to you concerning the establishment and siting of the National Coast Guard Museum. The American public deserves a National Coast Guard Museum to preserve the heroic and important heritage of the Service.

For over 90 years, the Coast Guard has enjoyed a close, warm, and productive relationship with the people of New London and Connecticut. New London is already the home of the Coast Guard Academy, our Leadership Development Center, America's tall ship EAGLE, Coast Guard Station New London, and Coast Guard Cutter CHINOOK. New London is also a city where our roots are established and a center of maritime and nautical tradition. Therefore, New London is the focus of current efforts to acquire a suitable property.

We realize there is an energetic local dialogue and debate over the merits of possible sites and methods of acquiring property suitable for a National Coast Guard Museum. The Coast Guard is not, however, directly involved in the acquisition process. The issue of eminent domain is not for the Coast Guard to decide. We look forward to a resolution of these issues by the community.

We have recognized, and have signed an agreement that establishes, the Coast Guard National Museum Association (CGNMA) as the sole organization working to acquire land, raise funds for the construction of a museum, and donate the museum and land to the Coast Guard. We have no formal relationship with New London Development Corporation (NLDC) beyond informing them on the progress of the museum project. I refer you to the President of the National Coast Guard Museum Association to discuss the specifics about any agreements between them and the NLDC.

Although there is an initial conceptual design, the final design of the building will depend on the site chosen and the finalization of plans for the museum style, exhibits, and functions. It will be integrated into the overall plans for development of the selected site through coordination with appropriate local officials, agencies, and affected parties.

The Coast Guard has been part of the New London community for over 90 years and has great ties with, and great feelings for the people of New London. My House Liaison Office at (202) 225–4775 would be pleased to respond to any further questions you or your staff may have.

Sincerely,

T.J. BARRETT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

Mr. OBERSTAR. The gentleman's language limits to 1999. So it cannot go back as far as the gentleman is suggesting.

I regret that this matter could not have been resolved at the committee level. It is an issue raised out of deep conviction by the gentleman from Oregon. I support his concern.

Mr. BAIRD. Madam Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Chairman, in the previous exchange, I did not get a definitive answer. He read from something from the Coast Guard that says they are neutral on this. If someone else condemns the land and the museum is built there, they will accept it. That is what that letter says. That is the bottom line here. We are not protecting these families who have lived on that land for nearly a century and do not want to give it up. An 87-year-old woman and her husband, a merchant mariner from World War II. I would just like a simple answer. I know the gentleman does not generally support eminent domain, he added something with his own family, but the question is simple. Would the gentleman agree, will he stand up and say ''yes'' in response to the question, will the gentleman say that this museum should not be built on property taken from these families in New London, Connecticut, by eminent domain, yes or no. It is a simple question.

Mr. BAIRD. I yield to the gentleman from Connecticut.

Mr. SIMMONS. Madam Chairman, unfortunately, it is not as simple as that. Unfortunately, 90 acres of land that was disposed of by the Navy as part of the BRAC process is now the focus of this development activity in a distressed city in the State of Connecticut and nobody can tell me with any assurance that this language that has been offered will not make it impossible for the Coast Guard to accept any of that Navy property, Customs property or even preexisting Coast Guard property.

If I could just make one other point. The language addresses the Coast Guard museum and places a burden on the Coast Guard, whether it be looking at property in Connecticut or New York or New Jersey, but nothing in the language prevents the New London Development Corporation from proceeding with its condemnation activities which are currently in the courts. Nothing in this amendment protects those families.

Mr. BAIRD. I appreciate the gentleman's clarification of that.

Mr. DEFAZIO. There we have it. As the gentleman said earlier in the debate, it does not interfere in the legal proceedings, and certainly we cannot do that. But what this amendment does, and this has nothing to do with the BRAC process or Federal excess property, a museum established under this section may not be located on any property that is condemned or taken after December 31, 1999. The land that was formerly a military base BRAC process does not meet that definition. By eminent domain. That is the key here. There is a group of people who are targeted. They are targeted. Families are targeted, living on this property. They do not want to give up their homes. An elderly couple. Their son and daughter-in-law and others who live on this property and have lived there for years, they do not want to give it up. This is simple. The Coast Guard has many options on where to put this museum and many adjacent and in the city of New London. It does not have to be on property that was condemned for that purpose.

I thank the gentleman for yielding.

□ 1645

The CHAIRMAN pro tempore (Mrs. BIGGERT). The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. DEFAZIO. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further

proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Madam Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MANZULLO:

Insert at the end of title VI the following new section:

SEC. 6___. LIMITATION ON BRIDGE ALTERATION PROJECTS.

The Coast Guard may conduct bridge alteration projects using amounts authorized under section 101(1)(B)(iv) of this Act only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

Mr. MANZULLO. Madam Chairman, I rise to introduce this amendment to close a loophole that is allowing Federal funding under this bill to purchase foreign-made steel for bridge construction.

In 1940 Congress established the Alteration of Bridges program that enabled the Coast Guard to ensure open navigation of waterways. Under this program the Coast Guard can require bridge owners to alter bridges that pose an unreasonable obstruction to navigation. The Coast Guard contributes a portion of the bridge alteration costs based on modifications or replacement related to ensuring improved navigation. I cite two recent examples:

Even though 80 to 90 percent of the construction funds to alter a railroad bridge over the Mississippi River in Burlington, Iowa, came from the Coast Guard, the Coast Guard argued that the Buy American Act did not apply because the bridge was owned by a non-Federal entity. This project used 3,400 tons of steel.

The agency made the same argument for a $44 million railroad bridge replacement project in the Port of New Orleans. The Coast Guard's share of the project's cost came to 94 percent; yet they still determined the Buy American Act did not apply.

The Buy American Act was intended to ensure that when the taxpayers' money was spent on Federal projects that the materials and goods used came from American production, to stimulate our production in the jobs-producing aspect of the project. The Coast Guard's refusal to follow the intention of the act because of its legalistic determination circumvents the act's intent.

Let me illustrate the economic impact of this. It takes an average of 25 man-hours of labor to fabricate a ton of steel. The 3,400 tons required for the Burlington bridge equals about 85,000 hours. That is over 40 full-time jobs for 1 year. And these are exactly the kind of high-wage jobs, averaging $17 an hour plus benefits that pay enough for people to buy a home and support a decent standard of living.

The steel bridge industry fabricates on average about 500,000 tons of steel a year. That is over 12 million man-hours of labor. Now we are talking about 6,000 jobs. With an average price of steel at about $2,000 a ton, this means a billion-dollar manufacturing industry. These are the jobs directly related to fabricating the beams and girders.

When the Coast Guard circumvents the Buy American Act, it uses taxpayer dollars to pay the steelworkers of Japan and Korea. The problem here today is not with the Buy American Act, but with the multiple efforts being used to get around it. This amendment closes one of the loopholes and makes it clear that federally funded public works will be expected to adhere to the intent of the act as Congress envisioned.

The Coast Guard is our first line of defense in homeland security, guarding our shores and waterways. We should not allow the Coast Guard to undermine our economic security, the very jobs of our citizens that pay the taxes that allow us to have a Coast Guard in the first place. A similar amendment was adopted by the other body to the appropriations for the Department of Homeland Security and passed into law.

I urge the adoption of the amendment to make this permanent law.

Mr. LOBIONDO. Madam Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Madam Chairman, I thank the gentleman for his amendment. We have looked it over, and we think it is a good amendment; and we are prepared to accept it.

Mr. BAIRD. Madam Chairman, I move to strike the last word.

I appreciate the comments from my colleagues, and I thank the chairman of the committee for his willingness to accept this.

I just want to briefly add my support for this. This is about jobs. It is about national security, and it is about efficient transportation. It is about jobs because we need to preserve the fundamental principles of the Buy American Act. Steel fabricators, steel producers in this country produce a high-quality product. They employ thousands of Americans with family-wage jobs, and the Buy American Act assures that they will continue to do so. It is about national security because we must sustain the domestic steel fabrication and manufacturing industry both for defense purposes and for transportation purposes. And, finally, it is about transportation efficiency. An efficient, quality, modern and economically sound steel fabrication industry is absolutely essential to the viability of our transportation system. I applaud the gentleman for his leadership, and I thank the Chair for his willingness to support this.

Mr. OBERSTAR. Madam Chairman, I move to strike the requisite number of words.

I appreciate the amendment offered by the gentleman from Illinois (Mr. MANZULLO). It fits in with the longstanding position of our Committee on Transportation and Infrastructure on Buy America on steel in our Federal aid highway and transit and Corps of Engineers programs. It is only recently the committee has had jurisdiction over the Coast Guard, and there too we need this vigilance over the Truman-Hobbs Act.

I authored in 1982 in the Surface Transportation Assistance Act of that year a provision that requires American steel to be used in all Federal-aid highway projects. The amendment accepted in committee and approved in the House required 100 percent American steel on all Federal-aid highway programs; and when we got to conference with the Senate, we had a little dispute.

They wanted to be more supportive of international trade, and we worked out language that I had a fallback position on, and it has worked out well. It requires all steel in the Federal-aid highway program to be American steel. What we see is every bridge, every girder, every rebar, every guardrail, every fence post is American steel. When I chaired the Subcommittee on Investigations and Oversight in the mid-1980s, my good friend Bill Clinger, who was ranking Republican on the subcommittee at the time, and I conducted extensive inquiry into the application of the Buy American Act, and we found that the Federal Highway Administration was administering that program rigorously. Two million tons of steel a year that go into the Federal-aid highway program is American steel.

It was not quite so good in the Federal Transit Administration. The Corps of Engineers was not doing a very good job at all. When they put in the caissons for the footings for bridges that the Corps of Engineers built, they used foreign steel. They built the bridge with American steel. I said wait a minute, how can they do this? Well, this is a temporary structure. But I found that the corps leaves that steel covering for the caisson in place afterward to help against scouring at the time of flood. I said, so that is a permanent structure. So we changed the law to toughen it up so the corps could not circumvent the Buy America provision.

Now we come to the Coast Guard and the Truman-Hobbs bridge alteration program. The language that the gentleman offers restates a provision that is already in the Homeland Security Appropriations Act that requires American steel to be used in these projects, but we ought to put it in here. We ought to reinforce an already-established strongly held principle. These are American dollars, taxpayer dollars.

In the Federal Highway Program, that is our highway trust fund dollars that are to be used to buy American steel and put it in those facilities.

What stimulated events in 1982 was we were building a bridge between Duluth and Superior. The State of Wisconsin had a responsibility for that bridge construction. They let a contract to Japanese steel, 10,000 tons of Japanese steel to build a center-arch span in that bridge. I vowed that never again would we have this happen. That iron ore from the Minnesota Iron Range would have to go under a bridge built with Japanese steel? They have got to be kidding. Out of that came the Buy American provisions.

By heavens, I am not going to let that slip away. We lost 890,000 jobs in the steel industry in the last 20 years to foreign steel, subsidized overseas, dumped in America, driving American jobs out.

The gentleman offers a very fine amendment. We ought to toughen it, but we ought to take an overview in our committee, I say to the chairman of the subcommittee. We ought to have an in-depth review of the Buy America provision as it applies not just to the Coast Guard, and I say this to the chairman of the full committee, but as it applies to all the issues under the jurisdiction of our committee. We provide funding which averages about $80 billion a year for infrastructure programs, and we ought to make sure that everything we are buying is American steel, and American goods in other arenas as well. Cement that goes into the concrete, asphalt, they all ought to be American product. So I support the gentleman's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MS. BALDWIN

Ms. BALDWIN. Madam Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. BALDWIN:

At the end of title VI (page 43, after line 2), add the following:

SEC. . LIMITATION ON USE OF FUNDS TO ACQUIRE ENGINES FOR INTEGRATED DEEP WATER SYSTEM.

None of the funds authorized in this Act may be used to acquire any main propulsion diesel engine for the Coast Guard's Integrated Deep Water System unless the engine is manufactured in the United States.

Ms. BALDWIN. Madam Chairman, I offer this bipartisan amendment on behalf of myself and the gentleman from Wisconsin (Mr. RYAN). Our amendment is simple. It would prohibit funds authorized in this bill from being used to acquire the main propulsion diesel engines for the Coast Guard's new fleet of ships in the Integrated Deep Water System, unless the engines are manufactured in the United States of America.

Earlier this year I offered a similar amendment to the Department of Homeland Security Appropriations bill. At that time my amendment was not in order; so it did not come up for a vote. But during consideration of my prior amendment to the homeland security bill, a lively debate ensued; and I believe that there was some confusion at that time, and I wanted to take a moment right now to address those misimpressions.

A colleague opposed my amendment, arguing that the diesel engines for the new Coast Guard ships were being made in America and that my amendment was not necessary. The gentleman was incorrect. While it is true that there is a Michigan company that was selected to be the vendor for the propulsion system, I have a letter received from the Coast Guard 2 days after the conclusion of that debate that states clearly that the diesel engines are foreign made. The Coast Guard letter states that the components of the propulsion system ''include MTU Diesels of German design and manufacture.'' So while Detroit Diesel may be the vendor for the whole system, the diesel propulsion engines are designed and made in Germany by German workers, not Michigan or other American workers as the gentleman had claimed.

As we all know, Congress has made a commitment to overhaul the Coast Guard's fleet, phasing out older and obsolete ships and building new ones. It is a large taxpayer investment, one that I am proud to support. But for goodness sake, let us build those ships and all of their components in America.

Our amendment would require that the main propulsion diesel engines, a critical component of this new fleet of large ships, are made in the United States. There are several good U.S. firms with U.S. plants that are ready, willing, and able to provide the diesel engines for the Coast Guard at or below total operation cost of the German-made engines. And in the interest of full disclosure, one of those companies is in Wisconsin. But I also note that the Michigan vendor that I referred to earlier would also qualify for the engine contract under this amendment if it were to pass, if the engines were to be made in Michigan or in other U.S. locations and not in Germany.

□ 1700

Madam Chairman, we are bleeding well-paying, family-supporting manufacturing jobs in this country. Since 2000, we have lost over 2.7 million manufacturing jobs. When manufacturing jobs go away, economic history shows us that it is hard to get them back.

Let me remind Members that these are United States taxpayer dollars. They should be supporting U.S. workers, and not just U.S. CEO's who are contracting out with foreign sister corporations to take these good jobs overseas. Our amendment would help keep some of those jobs here at home, making vital products for vital parts of the defense of our Nation.

Keep in mind, the Coast Guard is part of our homeland defense. Do we want to be reliant on overseas suppliers for essential parts and services for our defense infrastructure, or do we want to produce these important components here at home? I urge Members to support this amendment.

Mr. KNOLLENBERG. Madam Chairman, I rise to oppose this amendment.

I want to keep my remarks brief, because we have been down this road before, but there is really no rational reason to support this amendment. The competition to supply the main propulsion diesel engines for the Coast Guard's Integrated Deepwater System is over. It was a fair and open competition that was won by Detroit Diesel of Michigan. It is history. Unfortunately, and we should name the other competitor that the author of the amendment brings up, it is Fairbanks Morse of Wisconsin, it is a good company, but they simply have not accepted the results of that competition.

For the second time in a few months, I have come to the floor to oppose an amendment, this particular amendment or one designed very similarly. It does nothing more than reverse the outcome of the competition and give Fairbanks Morse an unfair competitive advantage.

Now, these are both very good American companies that employ thousands of Americans, thousands of Americans, both of them. However, in this case, the proposal offered by Detroit Diesel was selected because the company offered a low-cost, high-performance, low-risk solution that was technically superior. The Coast Guard did not make this decision lightly, and it is my understanding that they oppose the amendment as well. It is time to accept the results of that competition.

This is not about protecting American manufacturers, this is about doing an end run around the procurement process. I encourage all my colleagues to oppose this amendment, to ensure that open and fair competition for government contracts are respected and maintained.

Mr. TOM DAVIS of Virginia. Madam Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Madam Chairman, I join my friend from Michigan in opposition to this amendment, which would apply a radical domestic source restriction to the acquisition of main propulsion diesel engines for use in Coast Guard vessels. This could have a devastating effect on the Coast Guard's ability to buy the best propulsion engines at reasonable costs to support its critical anti-terror missions.

We talk about taxpayers. We are asking taxpayers to pay more money to subsidize a private company. Despite the high sounding ''Buy America'' language, this is basically an earmark for a company. This goes against everything we stand for.

What about the American companies that sell abroad? This invites retaliation, so American companies selling abroad today would be retaliated against and could lose those contracts. One has to remember that 95 percent of the world's consumers live outside of the United States.

Restrictive provisions such as these run counter to our efforts to create an open, flexible, responsive and impartial competitive acquisition system that will enable all government agencies, including the Coast Guard, to acquire from the world markets, the best products available at fair and reasonable prices for American taxpayers.

At the end of the day, this is about American taxpayers and getting them the best deal. As the gentleman said, they went through a lengthy procurement process where this was all analyzed, and the taxpayers won out in this contract. It is trying to be reversed here on the House floor.

I hope my colleagues with will join the gentleman from Michigan and myself in opposing this amendment.

Mr. KNOLLENBERG. Madam Chairman, reclaiming my time, I thank the gentleman for making those comments.

Mr. RYAN of Wisconsin. Mr. Chairman, I rise in support of this amendment offered by my colleague from Wisconsin and would like to comment on a few of the comments my colleague from Michigan said. He basically said the procurement process is done. This is an end run around the system.

It is very important that we note we have had Buy American provisions in many, many Defense Department contracts. On issues of national security and on issues of homeland security, this Congress has, time over time over time, stipulated that we need to keep our U.S. manufacturing base intact so that when it comes to these matters of national and homeland security, we have the infrastructure and economy in this country to produce these goods that we need.

This is simply being consistent with our Buy American language that we have had in other bills. We have had provisions for these kinds of purchases of these kinds of engines in the Defense Department appropriations bill. So it is very consistent that this language be included in this particular authorization bill, because this exact language has been included in other bills, namely Defense appropriations.

We are not asking for something that is new and novel and different. The one thing we are asking for is we think it is important that this Congress does make a statement, and that statement is that, especially in areas of homeland and national security, we work to make sure we still have a manufacturing base in this country that can produce the kinds of goods and services we need to keep our country secure, to keep our borders secure.

These engines that are going into these ships to protect our homeland, it is very important that we keep this industry alive in this country, because who knows what could happen down the road when we have to rely on other countries to help us protect our own country? They may not be there in the future. That is why this is important.

It is also important because we are losing manufacturing jobs in this economy. Many areas of this economy are growing very well. We had 7.2 percent economic growth in the last quarter. That is the fastest in 19 years. But, and the big ''but'' is, we are still losing manufacturing jobs. This provision would keep and maintain manufacturing jobs in America, not in Germany.

We are not against manufacturing jobs in Germany, we are just more for manufacturing jobs in America, especially in matters of homeland and national security.

I urge adoption of this amendment. It is consistent with many other policies this Congress has passed in the very recent past, and, because of that, I urge its passage.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the exchange that we have just had between the Michigan delegation, or its voice, and the Wisconsin delegation and the previous amendment offered by the gentleman from Illinois, point up a problem that we have to face and to which I alluded in my previous remarks, and that is the Buy America provisions that affect activities under the jurisdiction of our Committee on Transportation and Infrastructure need to be revisited and thought through and refined.

We have two very differing views of the application of the Buy American Act to the procurement at hand that the Coast Guard is involved with. The Coast Guard is opposed to the amendment. They say the Deepwater Program will comply with the Buy American Act. The Coast Guard and the prime contractor on this procurement, Lockheed Martin, have not, to the best of my knowledge, yet selected the engine to be used, although it is widely known and supposed that it will be the Detroit Diesel engine, with major parts made in Germany, assembled in the United States.

That is where the refinements come in; products, parts of which are made overseas, assembled in the United States. We have lost the whole subway, locomotive and passenger car business to overseas producers. We have lost virtually all light rail and heavy rail production to overseas. Only just recently, Colorado Railcar has come in to produce a very high quality commuter rail vehicle. We need to recapture all of that back to the United States.

In the Transit Program, we have spent $36 billion over the last 6 years on buses and heavy rail, commuter rail, light rail, intercity passenger rail, and a good deal of that is being produced overseas with subassemblies brought back to the United States, largely because our industry abandoned that field because we were not buying much of it, because we were building a lot of highways.

Now, a lot more money is going into the transit system. We are handling 1 million new transit riders a day in America. There is a new market, so we are starting to recreate that market. Yet, big pieces of it being be produced overseas.

Well, we need to recapture that business. We need to stimulate American manufacturers. The Manzullo amendment deals with steel in bridges under the Truman-Hobbs Act. The provision offered by the gentlewoman from Wisconsin deals with equipment, vessels. There will be others when we get into the Transit program that will deal with railcars and locomotives and so on. We need a comprehensive approach to this issue. We need to further refine how the Buy American Act applies.

While I sympathize fully and totally with the advocacy by the gentlewoman and the gentleman from Wisconsin, I think we are in an inadequate position right now, and I do not think that this language adequately addresses the problem at hand.

So, I urge the chairman of the subcommittee, and I will yield to the gentleman, to schedule hearings on this subject. Let us take a closer in-depth look as we prepare for the next authorization for the Coast Guard in the next session of this Congress.

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

Mr. OBERSTAR. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman for raising some very good points. We will certainly take a close look at this. It is an issue that I think most Members in this body can agree that we want to put a focus of attention on.

I strongly agree with the gentleman that, while I understand the amendment offered by the gentlewoman from Wisconsin, that this is not the right amendment, that this is the wrong time.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I appreciate the gentleman's response. I would say to the gentleman from Wisconsin, I will insist, and I know we will have the cooperation at the full committee level and subcommittee level, that we explore these matters in the depth and detail to which they are entitled and which you and your colleague from Wisconsin are entitled.

Mr. LOBIONDO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as Chair of the Subcommittee for Coast Guard and Maritime Transportation, I rise in very strong opposition to this amendment, and I join with the gentleman from Alaska (Chairman YOUNG), the chairman of the full committee, in saying that, first and foremost, this is a matter of national security.

This Deepwater Program that we are finally under way with and finally gaining some momentum with is replacing the aged assets of the Coast Guard that are desperately needed. Prior to September 11, it was an issue that just related to Coast Guard traditional missions. Since September 11, with the role that the Coast Guard has taken for homeland and port security, it is essential that we replace these assets as quickly as possible.

If in fact this amendment were to pass, the Coast Guard's National Security Cutter would be delayed by 18 months. That is totally unacceptable. The proposed amendment would also force the layoff of a number of U.S. workers; not workers in Germany, not workers somewhere else, workers right here in the United States of America. That is unacceptable.

This proposal actually is an attempt to rewrite and to go beyond the Buy America provisions that currently apply to the Coast Guard's Deepwater Program and would cancel, I repeat, cancel the current task force order that was awarded to another American company.

In addition to this, for those of my colleagues who are fiscally minded, this amendment, if enacted, would cost the American taxpayers in excess of $160 million. Unacceptable. Unacceptable on all fronts.

This was a bidding process that we entered into that we went through. I understand that there is a regional dispute about how one company was affected. But it was done fairly, it was done properly.

□ 1715

For the sake of the Coast Guard, and I will say that the Coast Guard has not taken a formal position because they have not had the opportunity to see this amendment in writing and to respond, but I feel very confident in saying that the Coast Guard would strongly oppose this if they had the opportunity to respond in writing for all of the reasons outlined above.

So I would urge my colleagues as strongly as I can to understand the implications of the Deep Water program moving forward, not being delayed, to understand the implications of national security, to understand the implications of taxpayer dollars being spent wisely, and vote against this amendment.

The CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. BALDWIN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BELL

Mr. BELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BELL:

At the end of title VI (page 43, after line 2) add the following:

SEC. . AREA MARITIME TRANSPORTATION SECURITY PLAN FOR PORT OF HOUSTON AND HOUSTON SHIP CHANNEL.

Section 70103(b) of title 46, United States Code, is amended by adding at the end the following:

''(5) Any Area Maritime Transportation Security Plan for the Port of Houston or the Houston Ship Channel shall include the information required by this subsection for each petrochemical facility located within 5 miles of navigable waters with respect to which the plan applies.''.

Mr. BELL. Mr. Chairman, I rise today to offer this amendment to the Coast Guard and Maritime Transportation Act. This amendment is vital to the continued security of my hometown, Houston, Texas.

The amendment calls on the Coast Guard to include petrochemical plants within 5 miles of the Port of Houston and the Houston Ship Channel in their area maritime security plans.

The Maritime Transportation and Security Act requires the Coast Guard to develop both an area maritime security plan and a vessel and facilities plan.

There has been some reluctance by the Coast Guard to include things like power plants in their plans because they do not consider power plants to be transportation related. However, Mr. Chairman, Houston, Texas, is the heart of America's energy industry and our coastline in Texas, and particularly in the Houston area, is dotted with refineries and petrochemical plants that are no doubt attractive targets to would-be terrorists. In fact, in my district alone, we have over 100 refineries responsible for close to 40 percent of the entire country's petroleum and petrochemical products, which are adjacent to the navigable waterways of the Port of Houston and the Houston Ship Channel. Some of these facilities are located right on the waterway and some are a bit inland. But because of the chemicals they deal with, a terrorist incident at an inland facility could produce a chain reaction affecting plants located much further away from the port itself. A terrorist incident at one of these plants could also cost thousands of lives and could have a devastating impact on the Houston metropolitan area, the fourth largest city in America.

We have a responsibility to look at this situation holistically, Mr. Chairman. My amendment allows the Coast Guard to address the global security concerns that impact this vital transportation corridor and one of the biggest population centers in America. This amendment provides for a creative security solution that will actually make Houston, Texas, America's energy capital, much more secure.

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

Mr. BELL. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate very much the concern of the gentleman. He presents a unique circumstance and that is that while the Coast Guard has authority for anything on the water or immediately adjacent to the water, the facilities the gentleman refers to are inland, several miles inland. We need a little time to think this through and to see whether the Coast Guard is the truly appropriate entity to have this responsibility and, if so, how we can provide it.

I will assure the gentleman that, as the bill moves forward and as we get into conference with the other body, there is always an opportunity to make some adjustments, and I think we should respond, hopefully in that context, but if not, certainly by the time the committee researches the next Coast Guard reauthorization, which will be sometime next spring. We should revisit this matter. I share the gentleman's concern. Our Port Security Act does not deal with a matter of this kind, and we ought to think of a way in which we can provide the protection the gentleman legitimately has concerns about.

Mr. Chairman, I thank the gentleman for yielding.

Mr. BELL. Mr. Chairman, reclaiming my time, with that assurance, and I very much appreciate the ranking member's commitment to this very important issue that affects the Houston area, and with the assurance that it can either be addressed in conference or at some point in the near future, at this point.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. DEFAZIO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 221, not voting 14, as follows:

[Roll No. 604]

AYES—199

Abercrombie	Clay	Filner
Ackerman	Clyburn	Flake
Andrews	Costello	Ford
Baca	Crowley	Frank (MA)
Baird	Cummings	Frost
Baldwin	Davis (AL)	Garrett (NJ)
Ballance	Davis (CA)	Gonzalez
Barrett (SC)	Davis (FL)	Goode
Becerra	Davis (IL)	Gordon
Bell	Davis (TN)	Green (TX)
Berkley	Davis, Jo Ann	Grijalva
Berman	DeFazio	Gutierrez
Berry	DeGette	Gutknecht
Bishop (GA)	DeLauro	Harman
Bishop (NY)	Deutsch	Hastings (FL)
Boswell	Dingell	Hastings (WA)
Boucher	Doggett	Hayworth
Boyd	Dooley (CA)	Hill
Brady (PA)	Doyle	Hinchey
Brown (OH)	Duncan	Hinojosa
Brown, Corrine	Edwards	Hoeffel
Capps	Emanuel	Holden
Capuano	Engel	Holt
Cardin	Eshoo	Honda
Cardoza	Etheridge	Hooley (OR)
Carson (IN)	Evans	Hoyer
Carson (OK)	Farr	Inslee

Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
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
McInnis
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pombo
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Toomey
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Alexander
Allen
Bachus
Baker
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Tom
Deal (GA)
Delahunt
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Murtha
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stenholm
Sullivan
Sweeney
Tanner
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Boehlert
Conyers
Cubin
Fattah
Fletcher
Gephardt
Jackson-Lee (TX)
Kucinich
LaTourette
Reyes
Sanders
Stearns
Taylor (NC)
Turner (TX)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1744

Messrs. DEMINT, TIERNEY, SMITH of Texas, Mrs. EMERSON, and Mrs. MUSGRAVE changed their vote from ''aye'' to ''no.''

Messrs. NADLER, JONES of North Carolina, ROHRABACHER, RAMSTAD, MCINNIS, and Mrs. JO ANN DAVIS of Virginia changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. STEARNS. Mr. Chairman, on rollcall No. 604 I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore. Are there other amendments?

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

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

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. SIMPSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, pursuant to H. Res. 416, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

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

The amendment was agreed to.

□ 1745

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2443, the Clerk be authorized to correct section numbers, punctuation and cross references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2443.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on the questions previously postponed.

Votes will be taken in the following order:

H.J. Res. 76, by the yeas and nays;

Conference report to accompany H.R. 2559, by the yeas and nays;

H.R. 3214, by the yeas and nays;

Concur in Senate amendments to H.R. 3365, by the yeas and nays;

Conference report to accompany H.R. 2559, by the yeas and nays; and

H.R. 2620, debated Tuesday, by the yeas and nays.

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

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the vote on passage of the joint resolution, H.J. Res. 76, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

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

The vote was taken by electronic device, and there were—yeas 418, nays 5, not voting 11, as follows:

[Roll No. 605]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
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
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
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
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
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)
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
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
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
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

DeFazio
Hefley
McDermott
Paul
Stark

NOT VOTING—11

Boehlert
Conyers
Fattah
Fletcher
Gephardt
Jackson-Lee (TX)
Kucinich
LaTourette
Reyes
Taylor (NC)
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1803

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Remaining votes will be taken in the following order:

Conference report to accompany H.R. 2559, H.R. 2620, H.R. 3214, H.R. 3365.

All remaining votes will be by the yeas and nays, and all will be 5-minute votes.

CONFERENCE REPORT ON H.R. 2559, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2559, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

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 is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 5, not voting 12, as follows:

[Roll No. 606]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
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
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
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
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
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
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty

Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, 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
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Conyers
Lewis (GA)
Paul
Slaughter
Waters

NOT VOTING—12

Boehlert
Fattah
Fletcher
Gephardt
Hart
Jackson-Lee (TX)
Johnson (CT)
Kucinich
LaTourette
Reyes
Taylor (NC)
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1811

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.

Stated for:

Ms. HART. Mr. Speaker, on rollcall No. 606 I was unavoidably detained. Had I been present, I would have voted "yes."

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2620, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2620, as amended, 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 422, nays 1, not voting 11, as follows:

[Roll No. 607]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
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
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
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
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, 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
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—11

Boehlert
Cummings
Fattah
Fletcher
Gephardt
Jackson-Lee (TX)
Kucinich
LaTourette
Reyes
Taylor (NC)
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1818

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADVANCING JUSTICE THROUGH DNA TECHNOLOGY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3214, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3214, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 357, nays 67, not voting 10, as follows:

[Roll No. 608]

YEAS—357

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

NAYS—67

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Bonner
Brady (TX)
Burgess
Burns
Burton (IN)
Camp
Cannon
Carter
Collins
Cubin
Culberson
Deal (GA)
DeMint
Duncan
Ehlers
Everett
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Granger
Gutknecht
Hayes
Hayworth
Hefley
Hensarling
Herger
Hulshof
Isakson
Johnson, Sam
Jones (NC)
Kingston
Kolbe
Linder
McInnis
McKeon
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Norwood
Nussle
Otter
Paul
Peterson (MN)
Peterson (PA)
Pitts
Renzi
Ryun (KS)
Schrock
Shadegg
Shaw
Simpson
Taylor (MS)
Thornberry
Wamp
Wilson (SC)

NOT VOTING—10

Boehlert
Fattah
Fletcher
Gephardt
Jackson-Lee (TX)
Kucinich
LaTourette
Reyes
Taylor (NC)
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1826

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MILITARY FAMILY TAX RELIEF ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 3365.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3365, 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 420, nays 0, not voting 14, as follows:

[Roll No. 609]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
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
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
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
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter

McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
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
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
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—14

Boehlert
Fattah
Fletcher
Gephardt
Jackson-Lee (TX)
Kaptur
Kucinich
LaTourette
Lewis (KY)
Murtha
Portman
Reyes
Taylor (NC)
Turner (TX)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1832

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 2622. An act to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2622) ''An Act to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. BENNETT, Mr. ALLARD, Mr. ENZI, Mr. SARBANES, Mr. DODD, and Mr. JOHNSON, to be the conferees on the part of the Senate.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3308

Mr. DOOLEY of California. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. RODRIGUEZ) be removed as a cosponsor from my bill, H.R. 3308. The gentleman from Texas had asked me to be a cosponsor of H.R. 3242, which I introduced, and was mistakenly added as a cosponsor of H.R. 3308.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2366

Mr. DOOLEY of California. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2366.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. BELL. Pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 2660, the fiscal year 2004 Labor, Health and Human Services, Education and Related Agencies Appropriations Act.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2660, be instructed to insist on the highest funding levels possible for the National Institutes of Health.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. FILNER. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct conferees on H.R. 6, the Energy Policy Act.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 6, be instructed to reject section 12403 of the House bill, relating to the definition of oil and gas exploration and production in the Federal Water Pollution Control Act.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. CARDOZA. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) To reject the provisions of subtitle C of title II of the House bill;

(2) To reject the provisions of section 231 of the Senate amendment

(3) Within the scope of conference, to increase payments under the medicaid program for inpatient hospital services furnished by disproportionate share hospitals by an amount equal to the amount of savings attributable to the rejection of the aforementioned provisions

(4) To insist upon section 1001 of the House bill and section 602 of the Senate bill.

RECOGNIZING CONTINUED IMPORTANCE OF TRANSATLANTIC RELATIONSHIP AND PROMOTING STRONGER RELATIONS WITH EUROPE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 390) recognizing the continued importance of the transatlantic relationship and promoting stronger relations with Europe by reaffirming the need for a continued and meaningful dialogue between the United States and Europe, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. WEXLER. Mr. Speaker, reserving the right to object, I yield to the gentleman from Nebraska for purposes of a description of the resolution.

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

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Speaker, I offer this resolution in that it recognizes the continued importance of transatlantic relations and the need for a continued and meaningful dialogue between the United States and Europe.

Mr. Speaker, in the wake of the difficult debate over Iraq, the Subcommittee on Europe held two hearings in June on the future of transatlantic relations. At these hearings, experts from both Europe and the United States presented their views on what went wrong. More important, however, was the consensus view of all of the witnesses who testified at these hearings that the time was right to put the debate over the Iraq war behind us and to begin to energetically consider how to reenergize the transatlantic relationship in a positive manner which is forward looking and which focuses on developing common strategies to address common challenges.

H. Res. 390 urges a renewed effort to develop stronger relations with our friends and allies in Europe through enhanced dialogue and communications between this Nation and Europe, especially through such mechanisms as the various formal and informal interparliamentary organizations which we have here in the Congress.

Mr. Speaker, as the Iraq debate has shown, both sides need to communicate more. It is neither in the interest of the United States to ignore Europe nor to try to work with a weak or divided Europe. Europeans, on the other hand, need to attempt to better understand U.S. policies and objectives and its responsibilities as a global power.

The good news is there is dialogue, but that dialogue must be enhanced, and it must be predicated on the conviction that the United States and Europe cannot meet the global challenges which confront us both unless we strengthen our partnership and address these challenges together.

Mr. WEXLER. Further reserving the right to object, Mr. Speaker, I would like to congratulate and thank the gentleman from Nebraska, the chairman, for his leadership in introducing this resolution which recognizes the importance of America's transatlantic relationship. It is an undeniable fact that the present and future of America and Europe are interwoven and cannot be separated without grave consequence to either side. If the transatlantic relationship is to move forward, it is critical that Europe accept the realities of a post-Saddam Iraq and the potential for transformation in the greater Middle East. At the same time, the Bush administration, which has deftly managed to turn most of Europe against America, must understand that military power alone is not a panacea to guaranteeing our security, fighting terror or halting the proliferation of weapons of mass destruction. Ultimately, these goals cannot be achieved without the assistance of our allies in Europe and throughout the world. It is this message of friendship, understanding and cooperation that I hope will lay the future of transatlantic ties.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 390

Whereas for more than a half century transatlantic policy cooperation and coordination have been essential for the preservation of peace and freedom in Europe, have enabled the development of free and prosperous economies, and helped restore stability and unity in the Euro-Atlantic area;

Whereas a central goal of United States policy toward Europe remains that the development of a Europe united, free, strong, and at peace is in the best interests of the United States and Europe so long as the United States and Europe continue to work as partners, not rivals or counterweights;

Whereas the central pillar of the United States partnership with Europe remains a strong and cohesive Atlantic Alliance;

Whereas the United States and the European community are aware of their shared responsibility, not only to further transatlantic security, but to address other common interests such as environmental protection, poverty reduction, combatting international crime and promoting human rights, and to work together to meet those transnational challenges which affect the well-being of all;

Whereas in recognition of the threats posed by global terrorism, terrorist states, the proliferation of weapons of mass destruction, and the nexus of the three, the partnership should be expanded progressively from a transatlantic community of values to an effective transatlantic community of action by developing a collaborative strategy and action plan for dealing with those challenges of mutual interest and concern;

Whereas no policy disagreement, such as the dispute with respect to Iraq, should be allowed to significantly disrupt transatlantic relations nor cause any member of the Euro-Atlantic community to choose between partners;

Whereas a renewed commitment to strengthen the partnership through increased cooperation, communication, consultation and information-exchange is required to achieve our common goals, which will continue to ensure peace and prosperity between the United States and Europe;

Whereas Congress has played a constructive role in this cooperative approach to partnership with Europe through mechanisms such as the North Atlantic Treaty Organization (NATO) Parliamentary Assembly, the Transatlantic Legislators' Dialogue, and the Organization for Security and Cooperation in Europe (OSCE) Parliamentary Assembly which have for years brought together legislators of both the United States and Europe for discussions of issues of common interest in order to further transatlantic understanding and partnership at the parliamentary level; and

Whereas the House of Representatives welcomes and congratulates the newest member nations invited to join NATO and the European Union and looks forward to broader dialogue through their participation in these transatlantic parliamentary organizations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) affirms the conviction of the United States that, despite the occasional differences and difficulties, the underlying ties which have historically bound the people of the United States and of Europe remain strong;

(2) accepts the indivisibility of transatlantic security which provides an indispensable link between North America and Europe;

(3) recognizes that both the United States and Europe face new challenges at home and abroad and must strengthen and adapt the transatlantic partnership to effectively meet these challenges;

(4) acknowledges that in order to strengthen the transatlantic partnership there must be a renewed commitment to regular and intensive consultation, information exchange and dialogue between the United States Government and the governments of Europe and the European Union; and

(5) commits on its part to continue to improve the transatlantic partnership by enhancing the communication between the United States Congress and the legislatures of Europe through the formal frameworks of the NATO Parliamentary Assembly, the Transatlantic Legislators' Dialogue, the OSCE Parliamentary Assembly, and various other formal and informal inter-parliamentary organizations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Ms. DELAURO. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Ms. DELAURO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2660, be instructed to insist on the Senate level for part B of the Individuals with Disabilities Education Act.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Ohio (Mr. REGULA) each will control 30 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

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

Mr. Speaker, I rise to offer the motion to instruct that I presented yesterday. This motion will instruct House conferees for the fiscal year 2004 Labor, Health and Human Services and Education appropriations bill to insist on the Senate funding level for part B of the special education funding, the Individuals With Disabilities Education Act, or IDEA. IDEA part B is the main vehicle with which the Federal Government provides its contribution to States toward educating children with disabilities.

Twenty-eight years ago, Congress made a promise to students, families

and communities around this country, a promise that said that the Federal Government would do its part to ensure that the more than 6.5 million children with disabilities and special needs in this country would have the same educational opportunities as every other child. It is a promise that this body has never lived up to, a promise quite honestly that this body has never even attempted to live up to.

This shortfall creates a huge burden on local communities and denies full opportunity to all students, with or without disabilities. And today in a time of unprecedented deficits at the State and Federal level alike, special education becomes just another in a long line of unfunded mandates that the Federal Government has passed on to the States. But we have an obligation to fund special education for children who have special needs. It is a moral obligation.

With the passage of the Individuals with Disabilities Education Act of 1975, Congress agreed that it would pay 40 percent of that bill. Only, it never has. What that has meant for the last 28 years is that the burden of meeting the mandates of special education has been placed largely on the shoulders of local communities. As the cost of educating students with disabilities continues to rapidly increase, there is little doubt that these increased costs are being paid for at the expense of other student services and programs. Moreover, this Republican majority cannot even keep the commitments they made earlier this year, both in the budget resolution and during the vote on the reauthorization of IDEA in April to provide a $2.2 billion increase for special education over fiscal year 2003. Sadly, the House Labor-HHS bill only provides a $1 billion increase which is demonstrated on this chart, promises made and promises broken.

In my State of Connecticut, which faces a billion-dollar budget deficit, school districts are paying $409 million more for special education than they did 10 years ago, a 76 percent cost increase. During the 2000–2001 school year, nearly 19 percent of the total education expenditures in the State were directed to special education students with some individual districts exceeding 25 percent, meaning one out of every four education dollars was going to special education.

This is a situation not unique to my district or my State. Right now, 47 States are experiencing budget deficits. If you ask virtually any municipality in the Nation what their number one budgetary concern is, they will tell you, without hesitation, special education. They simply cannot bear the strain the Federal Government is putting on them year after year. The strain will continue should Congress adopt the special education funding levels included in the House Labor, Health and Human Services, Education appropriations bill for fiscal year 2004. That bill fell $1.2 billion below what is needed to even put IDEA on the path to full funding by 2010. In my opinion, an abdication of our responsibility to our States and our children alike and a situation in which no one wins.

What is needed here is leadership. Our States are crying out for it. Parents are crying out for it. I wish we could call on the President to intervene on behalf of children with special needs. But President Bush's special education request would have amounted to the smallest increase for special education in 5 years.

□ 1845

So the responsibility falls to us to rise to the occasion, match what the other body has done by meeting our commitment once and for all to our children and our States and provide that extra $1.2 billion. The time for using the issue of special education as a political football is over. As I said before, it is a game in which no one wins. And as representatives for 50 States and the more than 6½ million children who need our help, the Congress is obliged, obliged to provide this $1.2 billion in funding in this bill and obliged to promote the capacity of our country to act together on what are indisputably shared values.

Mr. Speaker, the Congress reneged on its commitment to children with special needs in 1975. We cannot allow it to renege on that commitment again. We must meet our obligations. That is what this motion to instruct is about. And I urge my colleagues to support it.

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

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

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

Mr. Speaker, this is a very interesting point. Promises made, 1975, the Democrats were in control. They made promises. Here is the performance. Look at that, barely increased over 19 years. Barely increased over 19 years. Republicans take over, and we kept the promises. Here it goes, up, up, up, up, up, up. We can see the difference. This clearly shows us the difference between the Democrat Party, make the promises, do nothing. Republicans deliver.

On top of that, just recently the Members of the Democrat Party voted against a bill to increase special education by $1 billion. And I think it is interesting that my colleagues on the other side of the aisle are seeking to instruct conferees to adopt the Senate funding levels for IDEA when just 3 months ago they voted against a $1 billion increase. They did not seem to want that. We strongly support funding for special education and the hope it gives millions of families every day.

In fact, since fiscal year 1996, the first year Republicans controlled the House, funding for special education has tripled; and under Republican control the percentage of per-pupil expenditures that the Federal Government contributes toward special education has increased to nearly 20 percent. By way of contrast, when the Democrats were in charge from 1975 until 1995, 20 years, the percentage of per-pupil expenditures was never more than 9 percent.

There are the facts; and I say to those who are looking at this situation, do not go on what I say. Go on what the chart shows happened when the Republicans took control. They made the promises; we delivered.

Mr. Speaker, the Republican commitment to funding special education cannot be questioned. The bill passed by this House in July continued the investment in IDEA by increasing the program by another $1 billion, representing the largest dollar increase in the entire Labor, Health and Human Services Education appropriations bill ever.

As most of my colleagues know, the original bill reported by the Committee on Appropriations in the other body provided a slightly smaller increase for this program. That is the bill that they reported out of committee. It was less than we have done. On the floor the other body adopted an amendment that would have added $1.2 billion to the program.

One little problem, however. This amendment was offset by the use of a customs user fee. Basically, this is a tax, and as we all know, increasing taxes is something that is not within the jurisdiction of the Committee on Appropriations to decide. And tax policy is also something which the United States Constitution says must, and I emphasize must, originate in the House, not in the Senate. Therefore, this provision must be dropped by the other body in order for us to complete our conference on this bill. So we are talking about an instruction that cannot happen under the Constitution.

If we accept the gentlewoman's motion, it will have the effect of cutting $1.2 billion out of every other program in this bill. It will mean we will have to make cuts in funding for biomedical research that is seeking cures for cancer or diabetes or Parkinson's disease. Or perhaps the gentlewoman would suggest we take the funding out of programs under No Child Left Behind, such as programs to teach children to read or improve teacher quality. Or should we take the funding out of that provided for colleges and universities, or funding to produce textbooks for blind students? Or should we reduce the Pell grants? That is the effect of this motion.

We are not going to disagree with it because we are for IDEA. Here is the evidence: it says clearly which party cares about these children; and, therefore, we want the conference committee to do as much as possible. We did it on the bill that passed here in July. We raised IDEA by $1 billion, and the Democrats for whatever reason chose to oppose this.

Mr. Speaker, this motion is nothing more than a vain attempt to divert the

public's attention from the fact that my colleagues on the other side of this aisle voted against the $1 billion increase for children with special needs earlier this year.

The bill passed by this House was a balanced approach to addressing the needs of all of our citizens, including those with special needs. It gives hope to children and families across this Nation. And I say once again here are the facts, just look at the chart. It tells us the story eloquently. They make the promises; the Republicans deliver.

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

Ms. DELAURO. Mr. Speaker, I yield myself 1½ minutes.

Let me be very quick, and there are others who will respond to what my colleague has said, and I appreciate his comments. I said in my remarks that the commitment to children with special needs was reneged on in 1975. We cannot let that happen again. In this current year, the Republican majority committed to $2.2 billion. They have reneged on that promise. No, in fact, we should not cut back on Pell grants, on No Child Left Behind, not any of the other education programs.

What, in fact, we ought to cut back on is that $93,000 a year that we are giving in a tax cut to the 184,000 millionaires in this country. That is why we are short on this effort. That is why we are short-changing children with special needs. The fact of the matter is that the Republicans would have cut IDEA in 1996 by $88 million; 1997 by $279 million; in 2003, $500 million below the President's budget. They have every single year worked at cutting the amount of money for children with special needs.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of the DeLauro motion to instruct conferees on H.R. 2660 to fully fund the Federal commitment to the Individuals with Disabilities Education Act, IDEA. What an idea, taking the funding out of the tax cuts for the wealthiest 1 percent of Americans, not funding this program from other deserving programs.

Whenever I talk to educators or school administrators in my district, the very first thing they bring up is IDEA, special education. The first thing they say about IDEA is that we need to have it funded. The Federal Government must meet its commitment for 40 percent of the cost. In fact, if the Federal Government fully funded its share of IDEA, schools in Sonoma County, in my congressional district, would have received almost $20 million to help educate students with disabilities, students with special education needs. Instead, Sonoma County schools received just under $6 million, or about 15 percent of their costs.

Every Member here could tell the same story about their school districts. If the Federal Government fully funded its share of IDEA, schools nationwide would receive almost $20 billion to help pay for the cost of educating students with special needs. H.R. 2660 falls far short of this needed funding; and when we do not fully fund IDEA, we do not just take needed resources from students with disabilities. We shortchange all students.

If school districts had their full share of IDEA funds, they would be able to use their own funds for improvements that benefit all students such as increasing teachers' salaries, reducing class size, building new schools, renovating old schools. When we underfund IDEA, we pit children with disabilities against other children, schools against parents, parents against parents. We must fully fund the Federal share of IDEA. Vote for the DeLauro motion to instruct conferees to include full funding in the Labor-HHS-Education appropriations bill to cover the Federal share of IDEA.

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

Ms. DELAURO. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding me this time.

Mr. Speaker, the original IDEA bill authorized this Congress to give up the 40 percent of the additional cost of educating a child with special needs so that communities would have some help with that burden even though it was their constitutional obligation to educate every child to 100 percent of that. For years Congress did not fulfill that commitment. They were at 9, 10, 11, or 12 percent. What were those years? Those years were the Reagan-Bush years. We were running deficits of incredible amounts, building up on our debt in this Nation; $295 billion of deficit in 1992 accumulated since 1980 to a point where we had a debt of almost $5 trillion. Congress could not do more. They were busy trying to pay off those bills.

From 1993 to 2000 with a Democrat in the White House, Congress started to pay down those deficits, started to pay those bills; and around 1997 where the yellow number is upticking on that chart that the gentleman from Ohio was showing, that was when we finally got a grip on the deficit, and we finally were able to start putting some money towards the obligations of IDEA. In fact, we did it almost every year over the objections of the Republican majority and had to fight every year. This is the type of issue the Republican majority almost brought the House to a standstill on. But we managed to tick it up. We managed to bring those numbers up, with the objections of the Republicans in many instances, and started to do better.

Now we have an opportunity in 2000, with a $5.6 trillion surplus projected over 10 years, to really reach that 40 percent level; and instead the Republican majority and the White House decided that is not where they want to spend the money. Despite the fact that the Republican ''Contract on America'' in the mid-1990s promised this was one of their 10 items, they have never come close; and we have had resolutions in this House where every single Democrat voted to fund IDEA and not a single Republican voted to do it. And when we had the chance with a $5.6 trillion surplus projected over 10 years, the majority in this House, the Republican majority, and the White House walked away from it and did not do it.

And why does the gentlewoman from Connecticut come up with the number of $2.2 billion? Because it is the amount that Republicans promised. They put it in their budget very disingenuously as if they were going to do it. They put it in their authorization bill as if they might do it. And when Democrats on the Committee on Education and the Workforce tried to make that mandatory so they would have to do $2.2 billion, the Republicans would not vote for it. And now we know why they would not. They had no intention of doing it. 2.2 billion was the number they held publicly out in both the budget and their authorization; $1 billion is the amount they finally come in with in the end. And they claim it might be more than last year. Yes, a paltry amount more than last year. And again we are back to pushing, pushing, pushing, trying to make them meet their obligation.

Why can we not do it? It is not because we would have to cut from every other part of the budget. It is because there is not much in every other part of the budget because the Republicans decided to give $1.3 trillion away in three rounds of tax cuts.

□ 1900

The choices that were made, the Republican majority and the President and the White House decided money is not going to go to special education. They decided money is not going to go to No Child Left Behind. They decided no money is going to go to fix our roads and bridges, nor for the myriad of obligations the Federal Government has made to cities and states and towns. It is going to go, instead, to the wealthiest people in this country.

That, my friends, is what is happening here. It is a canard to say we do not have the money. It was an intentional misappropriation. We need to do better in this Congress.

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

Ms. DELAURO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of the motion to instruct conferees, insisting on increasing funding for the Individuals with Disabilities Education Act, or IDEA.

Full funding of IDEA has been one of my priorities since I have been in Congress. When Congress first addressed

this issue in 1975, we made a commitment that we would provide children with disabilities access to a quality education, but not once in the past 28 years has Congress lived up to its obligation to fund the services it requires States and school districts to provide, despite a commitment that we would do so.

My home State of Oregon, like so many States across this country, is suffering from tremendous budget shortfalls. When the Federal Government does not pay its share, the remaining costs just do not go away. The States and school districts are forced to pick up the additional costs, putting additional strain on our education funding.

In 2003, we appropriated $8.9 billion for Part B of IDEA. While this is a small increase over past years, it is still leaving States and local school districts with an unfunded Federal mandate of over $10 billion. That is $10 billion that our States and school districts could be spending to alleviate State budget crises, reduce class sizes and build and modernize our schools.

Funding IDEA is not just about educating disabled students, it is about relieving the school funding crises that States across this Nation are facing.

It is high time we renew our commitment to all of our Nation's children and pay our fair share of the cost of IDEA. I urge my colleagues to support funding for IDEA and support the DeLauro motion to instruct conferees. This is a promise the Federal Government made. This is a promise, for the sake of our children, we need to keep.

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

Ms. DELAURO. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of the DeLauro motion to instruct conferees, and I commend the gentlewoman from Connecticut for introducing it.

H.R. 2660, the appropriations bill for the Department of Labor, Health and Human Services and Education, is underfunding our Nation's education system. Although this Congress made the promise to increase funding for education by $2.2 billion in the FY 2004 budget resolution, and then again in H.R. 1350, the Individuals with Disabilities Education Act, these promises do not appear in the appropriations bill. Instead, special education falls $1.2 billion short of the budget promise.

Due to the insufficiency of funding for local education, our local communities will need to absorb more of the costs for providing special education to 6.7 million school children. Ultimately, schools will be forced to cut essential programs or raise local taxes. That is why I voted against the appropriation resolution and why I voted against the IDEA reauthorization.

During discussion in the Committee on Education and the Workforce, I spoke to the need to fully fund IDEA, and even voted in favor of an amendment which did in fact fail. Now I am asking my colleagues in the House to follow suit with our Senate colleagues and fulfill the promise from the budget resolution and the Senate-passed bill, which included the bipartisan amendment to increase IDEA funding by $2.2 billion.

I believe that we have no greater responsibility as legislators than to fully fund education; to make sure that we have adequate buildings, schools, teachers, textbooks; and to help those children who have the greatest amount of need. No children have greater needs than those with disabilities. I ask that we support the DeLauro motion and support our children who need help the most.

Mr. REGULA. Mr. Speaker, I reserve my time.

Ms. DELAURO. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I rise to support the DeLauro amendment.

Many decades ago, our country did a great and noble thing. We made a commitment as American people that every child in this country, regardless of his or her disability, would get a good education. At that time, the Federal Government promised that it would pick up 40 percent of the costs of providing that education to youngsters with disabilities. But as we are gathered here today, the Federal Government is only paying 19 percent, and the result of that is not only that children with disabilities are not getting the Federal resources that are required for education, but also children without disabilities are suffering, as we are pitting one against the other.

Now, we can talk about decades of who is to blame or who promised what, but let us just look at this year. This year we already have a story of sordid, broken promises.

I serve on the Committee on Education and the Workforce. This year the chairman of the committee came forward with an authorization bill that would increase the authorization from last year's levels originally by $1.4 billion, to $10.3 billion. Then we in the Committee on Education and the Workforce had a discussion where we, Republicans and Democrats alike, agreed that in order to meet our commitment, we had to increase that authorization.

So the chairman of the committee went back to the Committee on the Budget and, very proudly, as he should, came back to the Committee on Education and the Workforce and said, ''Look, I have talked to my colleagues, and they have agreed we are not going to increase it by just $1.3 billion; we are going to increase it by $2.2 billion.'' That is what the chairman of the Committee on Education and the Workforce announced.

Many of us were skeptical about whether that would be delivered on. We said, ''Let's make that mandatory.'' We had a vote in committee. The chairman of the committee said to The Members, ''Let's not take a vote to make it mandatory, because I have talked to my colleagues on the Republican side on the Committee on the Budget and we have a commitment here. Let us not make this binding.''

We had a vote. It was 10 to 9. Democrats voted in favor in the subcommittee of making it binding, Republicans did not. The same story in the full committee.

Well, look where we are today. It turns out that we should have had a binding vote. That would have been the only way to hold the Committee on the Budget and the Republican leadership to its word on this issue. The chairman of the committee said, ''Don't worry about it. Trust us.'' Well, look where that has gotten us.

The fact of the matter is, we have let down the American people. We do not need to go back with broken promises for decades. We have multiple broken promises just this year, promises broken to American children.

Let me just end by talking about priorities, because what we are seeing here is the budget that was passed at the beginning of the year, that set the road map. Everything after that was on automatic pilot. That budget was premised on huge tax cuts for the very wealthiest Americans.

Now, I do not have any problem if people want to say ''I am for tax cuts,'' and it is okay that for some economic theory that they should go to the wealthiest Americans. But do not say you are for that, and, at the same time, go back to your districts and say, ''We are for full funding for special education,'' as Republicans and Democrats alike do. They all go out and say they are in favor of it. Because you cannot do everything. You cannot have big tax cuts for the wealthiest and come back to this body and fully fund special education.

We have to make choices. That is what leadership is all about. If you want to choose higher tax cuts for the wealthy, that is a fine choice. Stand up for it. But do not at the same time come and say we really wanted to do this, but we just could not do it, because we can do it if we make the right choices. We should make the right choices for the America's children. That is why we have got to support this motion.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), a very valued member of our subcommittee.

Mr. SHERWOOD. Mr. Speaker, I rise in opposition to this motion to instruct, and I do it with a lot of history.

For many of the years, about 15 of the years that the Democrats controlled this House, I was a school board member in Tunkhannock, Pennsylvania, and I know what it means to not have enough IDEA funding. We worked

very hard to make the choices to balance our budget, to do what the Federal law required with the amount of money that was given to us.

At that time, the highest that we ever got was 9.9 percent. When the Democrats controlled this House, the most money we ever got was 9.9 percent. This year, we are giving the schools 20 percent. That is double what we ever got when the Democrats were in control.

Now, what is this disingenuous discussion about? We do have choices to make. We made choices to give more funding this year than we have done in the past. There is an extra $1 billion in this bill, and we are halfway to full funding the 40 percent of IDEA. That is much more than we have done in the past, and it will go a long way toward helping school districts with these major challenges.

I want to thank the gentleman from Ohio (Chairman REGULA) for his leadership on this bill. He always gives us fair and balanced leadership, and this is a fair and balanced bill that lives within realistic priorities and shows that the majority is trying very hard to leave no child behind, to do the right thing for American education.

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

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PETERSON), also a very valued member of our subcommittee.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I would like to compliment the chairman on this bill. The bill that we presented increased special education funding by over $1 billion, and I believe those who are offering this motion to instruct tonight all voted against it.

Now, you cannot have it both ways. When you look at the chart that we had up here a little bit ago, the big chart, in 9 years under Republican leadership we went from a little over $2 billion to almost $10 billion. That is just under $8 billion.

Now, the 9 years preceding that, under Democrat leadership, you increased funding $1 billion in 9 years. We increased it $1 billion this year. We increased it almost $8 billion in the 9 years that we have been in control. Just count them, 9 years. Come back here 9, just a little bit over $2 billion. $1 billion in 9 years.

Now, the interesting part is it is easy to say they want to fully fund it. The other body put in a tax provision to fund it that cannot stay there. It is illegal. It cannot be there. So if you are really serious about this, your motion to instruct will say we are going to take it from Pell Grants, or we are going to take it from basic education, or we are going to take it from higher education, because that is how you have to do it.

You are making no choices. When we look at the record, the choices you made for 9 years previous to the 9 years that we have been in power were not for special education. In 9 years, a $1 billion increase.

□ 1915

Just a few days ago, we passed this bill with $1 billion of additional money in it, and they vote ''no.'' I think the American public understands showmanship. I think the American public understands a sham motion, because that is what this one is.

Now, I do not think there is anybody here that does not think we should not fully fund special education, and we are on track today to do it. We have the record. There has been a game plan of when we are going to reach it. Now, that is reasonable, because we will be taking new money and new dollars. But if you are serious, tell us where it comes from, because the other body's tax provision cannot remain to fund it. If you are serious, show us where the cuts are. Is it Pell grants? Is it higher education? Is it No Child Left Behind? Because it has got to come from one of them.

Mr. Speaker, I am proud of the record, and I am proud of our chairman's leadership on this issue, and his predecessor, John Porter's leadership on this issue. Because this is their record: getting us to where we ought to be as fast as we can.

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

Let me just make one or two comments about what my colleagues have said.

First of all, and this is not my commentary, but CRS's commentary, that if we continue to go in the direction that we are going in with $1 billion, we are never going to get to full funding. I commend the CRS data and material to my colleagues.

Secondly, the fact of the matter is, as my colleagues have said before, the issue is about choices. It is not only about choices, but it is about priorities; and those priorities in terms of our budget are fundamentally determined by where our values are on these issues.

Mr. Speaker, I submit to my colleagues that when the choice, the most important and fundamental choice was made in this body about trillions of dollars of tax cuts, $93,000 a year to the 184,000 millionaires in this country, that was a choice. It is the choice, the fundamental choice which is starving the Federal Government of the resources that it needs to meet its public commitments; not willy-nilly commitments, but commitments where we have said we are going to put up so much money for special education, and, you, State of Connecticut, Minnesota, Ohio, Pennsylvania, you put up so much money.

We are reneging on those commitments because of the fundamental choice that was made by the Republican President of the United States, by the Republican House majority, by the Senate House majority to fund the tax cuts. That is the priority, not special education, not Pell grants, not let no child be left behind, not any of the education programs that we view as critical to the opportunities that young people have in this country.

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

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

Mr. Speaker, I just want to point out the facts: promises made by the Democrats, very little increase; promises delivered by the Republicans. The chart tells more eloquently than words what it is all about. I simply say that we believe in special education, and we have put the money there to back up our beliefs.

This motion to instruct is a sham because the Senate money is not there. They did something proposed, and I would again emphasize that the bill that came out of the Senate committee had less, less in IDEA than the House bill. They had a floor amendment that said we are going to raise taxes to pay for it. Unconstitutional. So let us get on with it.

I would point out one other fact, and that is that the Democrats voted against $1 billion for IDEA in the July bill for labor, health and human services.

So I submit to my colleagues that the record is clear. Republicans deliver; the Democrats promise.

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

Ms. DELAURO. Mr. Speaker, I yield myself the remaining time.

There is no doubt in my mind that tonight what we were going to hear from the other side of the aisle is about how much funding for special education has been increased in the past years. But there is no denying the fact that the Republicans broke their promises to the Nation's 6.7 million special needs children this year when they denied the promised $2.2 billion increase in the Republican fiscal year 2004 Labor-HHS bill.

Let me just say that it is true that promises for IDEA part B State grants, the main Federal program for which the Federal Government finances special education, have increased from $2.3 billion in fiscal year 1996 to $8.9 billion today, an increase of $6.6 billion. But it is equally true, equally true, and understand this, that if the Labor-HHS bills put forth by House Republicans over that period of time would have been enacted into law, the $6.6 billion increase actually provided for IDEA would have been cut nearly in half, because if House Republicans had had their way, they would have spent $2.8 billion less on special education between fiscal years 1996 and 2003.

I am going to briefly, briefly read my colleagues the facts in these years and the Republican activity on these issues.

In 2003, the majority failed to pass a Labor-HHS bill because they wanted to avoid voting on the Bush education cuts. However, the HHS bill, H.R. 246,

was introduced by the very fine chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies. The chairman offered the bill, and it was the House position for the purpose of the conference negotiations. That bill included $8 billion for IDEA part B State grants, $500 million less than the Bush IDEA request and $846 million less than the amount ultimately that was enacted into law.

In 2002, we had a bipartisan year. Democrats and Republicans supported a healthy increase for special education: $186 million over the final conference level of $7.5 billion.

In 2001, the House Republican Labor-HHS bill was a shocking $850 million below what was the $6.3 billion included in the grants and in the conference agreement.

In 2000, the House Republican bill was $179 million below the final conference level of $5 billion for special education.

In 1999, the House bill provided the same amount, $4.3 billion, which was ultimately enacted into law.

In 1998, another bipartisan year, House Republicans initially proposed $3.4 billion for IDEA grants, $375 million below the final amount secured by the Democrats in the Labor-HHS conference agreement, which provided a total of $3.8 billion.

In 1997, the House Republican bill would have frozen IDEA at $2.3 billion, $279 million below the request, and a whopping $784 million below the final conference agreement.

In fiscal year 1996, House Republicans proposed to freeze the special education grant at $2.3 billion. That was the amount ultimately enacted into law, a cut of $88 million below the Clinton request.

In summary, Mr. Speaker, a careful examination of the Republican record on IDEA funding paints a less rosy picture than my colleagues would like to portray. In 5 of the last 8 years, the House Republicans have provided less than the amount actually enacted into law for IDEA part B State grants.

Democrats insisted that we provide those increases. Democrats want to fulfill our commitments to the 6.7 million special needs children before we begin to provide super-sized tax cuts to the Nation's well-off and wealthiest citizens.

Under a funding scenario of $1 billion per year, as is in the Republican Labor-HHS bill, we will never, never meet the goal of fully funding for IDEA. It was the majority party, once again, that promised a $2.2 billion increase this year for IDEA. 216 Republicans voted for the increase in the 2004 budget resolution; 217 Republicans voted again for the increase in the IDEA reauthorization bill.

Democrats say this evening, on the issue of special education for our youngsters, a moral obligation which we have committed to, which we have committed our States to, what Democrats say this evening is keep your promises to those 6.7 million children who, without the proper funding, will not ever realize their dreams, their aspirations for opportunity for their future and a way in which they can hold on to the American Dream of education.

Mr. Speaker, I urge my colleagues to vote for this motion to instruct.

Mr. CASTLE. Mr. Speaker, it would be disingenuous, and plain false, for anyone to suggest that this Congress has not been dedicated to the needs of our nation's special education students. In the past year we have recognized the importance reform has on the program when we reauthorized IDEA. Rather than to throw money at IDEA this body passed a reauthorization bill that will enhance efficiencies ultimately resulting in increased services for special education students. In the past year we have also voted to increase funding for IDEA, at a record level. There should be no doubt that this Congress is consistently focused on the needs of these students.

In the past eight years we have more than tripled funding for special education. In 1975 the Congress said it would pay 40 percent of the per pupil cost to educate special education students. We are making great strides toward meeting the 40-percent goal. Since 1996 we have increased this contribution from 7.3 percent to almost 20 percent this year. We all deserve to be proud of this and we all should be dedicated to continuing this progress.

Having said that, we must not forget that we have also seen historic increases in funding for all of our education programs. Last week we passed a motion to support funding increases for programs under the No Child Left Behind Act and today we could potentially be taking those away. Look at the big picture. For fiscal year 2004, with the guidance of Chairman REGULA, this House is continuing our efforts in providing unprecedented increases for No Child Left Behind, Head Start, Higher Education and especially IDEA. This year's $1 billion increase for IDEA represents the single largest dollar increases in the bill and one of the largest funding increases for IDEA ever. This Congress and this Administration are without a doubt dedicated to all students.

I have always prioritized adequate funding for education programs as well as fiscal conservatism. Given other expenses we have across the country and the world, I believe the House Labor, Health and Human Services and Education Appropriations Act represents a delicate balance between increased funding for federal education programs and fiscal restraint. I encourage Members, on both sides of the aisle, to take an unbiased and honest look at what we are doing for students, and particularly our special education students.

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

The SPEAKER pro tempore (Mr. PEARCE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

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

Mr. BECERRA. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

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

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

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

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

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

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

Mr. BECERRA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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

The Chair recognizes the gentleman from California (Mr. BECERRA).

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

Mr. Speaker, let me give my colleagues a few numbers and see if we can find the connection in these numbers: 25, 161, 6.5 million, zero, and

93,500. If it does not seem readily apparent, let me connect the dots for my colleagues.

Twenty-five represents the number of times that this motion that we are about to debate has come before this House of Representatives in an effort to try to do what the Senate did months ago, which is to try to do what the President said he supported, which was to try to give a number of working, tax-paying families, many of them military families, the same type of child tax benefit that we gave to many other American families, those families having already received checks in the mail for that child tax credit. Twenty-five times. This is the twenty-fifth time we are trying to get the House to do what the Senate did on a vote of 98 to 2.

The number 161, that is how many days we have left out all of these American families with children from being able to benefit from the child tax credit that other American families, neighbors, in fact, of many of them, many of them right now, fathers and mothers in our military in Afghanistan and Iraq, 161 days they have gone without the benefit through the law that was passed 161 days ago, that many of their fellow Americans received in the mail.

□ 1930

Mr. Speaker, 6,500,000? That is the number of families in America that have been excluded. 6½ million. Among those 6½ million families you have 12 million children. So we are not talking about trying to help one or two of America's families because they were left out. When Congress passed and the President signed a tax cut bill that cost $350 billion, that excluded the 6½ million families and their 12 million children.

We are talking about quite a few American families throughout this country. Among those families, more than 262,000 of the people that I am talking about are children of our military personnel who were left out. And I should mention of our 200,000 or so men and women in uniform who are in Afghanistan and Iraq and throughout this world in combat zones, the result of not having extended the child tax credit expansion to them means that many of these men and women in uniform with kids are actually going to see a tax increase as a result of the action taken by this House in not moving forward to match the Senate on a 98 to 2 vote to provide the expanded child tax credit to these 6½ million families.

The number zero? I have already mentioned it. That is how much money the 6½ million families are getting at the same time that their neighbors and friends were receiving an average of about $600, $615 in a child tax credit. Zero.

The final number I mentioned, $93,500, that is the amount that this year many of America's millionaires will receive in reduced taxes as a result of the tax cut bill that passed in late May, 161 days ago, in tax breaks. Zero for 6½ million working families. And, by the way, these working families are not rich working families. We are talking about families that have incomes somewhere between $10,500, let me say that again, $10,500 annual salary to about $26,625 annual salary. We are not talking about wealthy families, but we are talking about working and tax paying and military families that are among those who earn between $10,500 and $26,625. 6½ million families. 12 million children within those 6½ million families.

The tax bill did give to millionaires in America an average tax cut this year of $93,500. In this child tax credit expansion provision, it gave zero to those 6½ million families.

What many of us have been trying to say in the 24 other times, including this, the 25th time we put this motion before the House is let us do what the President said we should, let us do what the Senate already did, in voting 98 to 2, and let us do what most American families thought we had done, until they realized that they did not get a check in the mail as well, including our military families.

Mr. Speaker, let us be just. They work, they pay taxes, and certainly for the several hundred thousand of our men and women in uniform who have kids, it is the right thing to do.

Now, it would not be so difficult to talk about this if it were not for the fact that within that tax cut bill and within additional legislation that has come before this House there have been measures to actually expand the scope of the child tax credit to more families. In fact, in this House my friends in the majority were willing to expand the number of families who could qualify for the tax credit by increasing the income limits, so that families with well over $150,000 could qualify for the child tax credit. Yet, in the same legislation, we cannot see how we can just do what we need to do for those families that are making somewhere between $10,500 and $26,500. It goes on and on and on in terms of the irony that we see here.

I look back at some of the Tax Code and I think to myself are we doing something that is unfair, something that these folks do not deserve? Some will say, well, they do not pay that much in income taxes. They are getting off and we should not give them money. Well, they pay taxes. They do not pay that much income taxes probably due to the fact that they do not earn very much income, but they pay payroll taxes, they pay sales taxes, they pay property taxes, they pay excise taxes. You name it, they pay it.

And, fortunately, we have a progressive tax structure that says in terms of income taxes if you are making $10,500 in a year, in a year, not in a month, because some of my colleagues may have misunderstood me, in a year, then, by God, I hope we are doing something to make sure that the $10,500 does not go to just pay taxes.

But to deny them, then, the expansion of the child tax credit simply because they do not pay enough of a certain type of tax I think is un-American. But that is where we are. Then I thought to myself, well, do we do some things that give others some kind of tax break? Then I realized, wait a minute, my father worked for about 40 years in road construction, he worked canning tomatoes at Campbells Soups, he worked cleaning the hulls of ships, and every day he worked, he ate lunch when he had time. As far as I know, he ate lunch with his colleagues, his coworkers.

Well, today if there is someone out in America in the business world who decides to go have lunch, and then follow that up with a nice dinner, and take out a business associate, and really try to cater to that business associate to try to, perhaps, gain some new business, and chauffeurs that business associate around in a limousine, and has a martini, then takes the associate to a nightclub to enjoy the evening and says, you know, we had a really rough night, maybe we should just stay at this hotel, all of that can be deducted to the tune of 50 percent. But somehow we could not find it in our powers within a $350 billion tax cut bill to give 6½ million Americans who work and earn about $10,500 to $26,500 a tax credit for their kids. The cost of doing that? $3½ billion. $350 billion tax cuts that went mostly to wealthy folks. $3½ billion, 1/100th of the cost of that tax bill would have corrected this problem for those 6½ million families. Could not do it.

We still can. We have not finished the section. That is why we are here today. I am hoping the 25th time is the charm and we will get to it.

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

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

Mr. BECERRA. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank my colleague from California (Mr. BECERRA) for bringing this to our attention.

Mr. Speaker, this is merely an issue of priorities. If we want to stand for our military, if we want to stand for our working families, if in this House we want to stand up for the children of America, if that is our priority, then we need to thank the gentleman from California (Mr. BECERRA) for advancing this motion, and we need to support and vote for the Becerra motion to instruct.

Let us accept the bipartisan, the bipartisan Senate-passed child tax credit bill, and let us just get this bill done once and for all. Let us tell America what is important to the U.S. House of Representatives and that is our working families and that is the children of those working families.

As Members know, Mr. Speaker, right now American working families are facing many challenges. We have

record job losses in the country, and the current administration will be only the second administration in the history of this country to show a net loss of jobs during the administration. The other administration being the Herbert Hoover administration, which certainly is not very comfortable company.

And those people in America that are lucky enough to have a job face challenges of their own. No health insurance, no prescription drugs, increasing education costs.

Now, Mr. Speaker, on the other hand if an American working family, if you can call them that, is comprised of millionaires, the current tax scheme of the Republican majority may be a benefit to them. But heaven help the American worker, Mr. Speaker, if he or she earns between $10,500 and $26,625. Because, Mr. Speaker, if you earn over a million a year, you will save $93,500 in taxes in 2003 alone, nearly 100 grand. But, if you earn between $10,500 and $26,625, you are the target, as my colleagues know, Mr. Speaker, of the Republican scheme because you were deliberately and purposely excluded from the $350 billion tax law of the Republicans. There is no child tax credit for you. That is the message.

Now, who does this affect? The Republicans, under their plan, say no child tax credit, no relief, no tax relief to the fighting men and women in Iraq, no relief for you, no relief to school teachers, no relief to policemen, no relief to firefighters, no relief to first responders, no relief to anyone making $10,500 to $26,625 a year. And, Mr. Speaker, that is a lot of people in this country. That is probably most of the people in my congressional district.

And it is funny, Mr. Speaker, in these times of challenge, fiscal challenges, we have plenty of money for millionaires but none for the clerk down at the drugstore. We can give $93,500 for 1 year to the millionaire but nothing to the man fighting in Iraq or the woman fighting in Iraq.

And what is funny, in a way, Mr. Speaker, is the administration has admitted this. You know Ari Fleischer, if you remember him, he was the White House Press Secretary when this went to conference initially, this is what he had to say: ''Everybody was aware in the conference of what was in and what was out. So that was all very well known to the conferees and the White House.''

Now, Mr. Speaker, Mr. Fleischer told the truth. No wonder he is out of the White House. They could not stand that candor anymore. Now, the chairman of the Committee on Ways and Means summarized the Republican attitude best when he said in response to a question regarding this matter, he said, quote, ''There are worse things than it not happening.'' Now, that charming statement was echoed by the majority leader when he stated bluntly in regard to the passage of the Senate child tax credit, ''Ain't gonna happen.'' Now, this was entirely consistent with his previous opinions, of course. Earlier he said there is a lot of things more important than that. There are a lot of things more important than that? Like what? I mean, like what, Mr. Leader?

Mr. Speaker, under the Republican plan, as you know, over 12 million children are left with no benefits, none; 178,000 of those kids are children in farming families; 567,000 are children of nurses and orderlies; 337,000 are children of school teachers charged with educating our kids.

And, Mr. Speaker, embarrassingly, the Republican plan hits minority children in particular by leaving out 2.4 million African American children and 4.1 million Hispanic children. Leaves them out.

So, Mr. Speaker, we need to get our priorities straight and decide who we are standing for. If we can help out millionaires, and that is not always a bad thing, but if we can help out millionaires and we have the $93,000 to give to a millionaire in 2003 alone, then we have enough money for a child tax credit to working men and women in this country, especially to our military.

Mr. Speaker, I urge my colleagues to vote for the Becerra motion to instruct.

Mr. BECERRA. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from California (Mr. BECERRA). And I just listened to the gentleman from Texas (Mr. SANDLIN) and the gentleman from California (Mr. BECERRA), and the gentleman from Wisconsin (Mr. RYAN) is going to speak later.

I was reminded, as I see what this House has continued to do, to deny the child tax credit to the working families, to the families who have children, but families who are working families, I thought a lot about a meeting I had about a month ago in Akron in my district, where I met with 25 families who had loved ones, sons, daughters, husbands, wives, nieces, nephews, whatever in Iraq. We talked a lot about shared sacrifice.

□ 1945

And I heard a lot from the President about sacrifice and shared sacrifices in this country. When you look at it with this war in Iraq tied to what the gentleman from California (Mr. BECERRA) is trying to do tonight, to help those children in working families who are not making a lot of money, but in working families get some piece of the pie, you realize that this shared sacrifice that the President is asking about is a very limited shared sacrifice. The sacrifice in this country, it is not in the ''leave no millionaires behind'' program. They are getting $93,000 back in their taxes.

The people making sacrifices in this country are the service men and women in Iraq; the families of the service men and women in Iraq; the veterans who are getting their veterans benefits, education and health care benefits cut because of the leave no millionaires behind program that George Bush has implemented; the students who are not getting the education funding; the seniors who are not getting the prescription drug benefit they should have; and now, ultimately, children in working-class families whose families are making 10 or 15 or $20,000. Those are the people who, unfortunately, are sacrificing in this shared sacrifice program of the President.

So we are subscribing to the leave no millionaire behind program where the average millionaire gets about $93,000 back in their taxes. Half of my constituents, half of Ohioans get zero back in their taxes. These children of working families who are not making a lot of money get zero. So when I hear the President talk about sacrifice, the men and women in Iraq, the families of the men and women in Iraq who are dealing with the anguish and their anxiety of having their loved ones in Iraq and are dealing with budget and financial problems as a result, and especially those children that President Bush just has somehow lost his focus on, makes this motion to instruct from the gentleman from California (Mr. BECERRA) so very, very important.

I ask my colleagues to support the Becerra motion to instruct.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Let me take a few moments to comment on the past speakers. First, I would like to fill in the gaps in the history that was rendered earlier here.

My information says that this is the 17th motion to instruct, not the 25th. We will see. We will have to look into the CONGRESSIONAL RECORD to find that out. Nevertheless, I get a great sense of déja vu right now. But all joking aside, Mr. Speaker, one thing that the speakers who just spoke failed to mention was that on June 12 of this year, the House did pass legislation making the child tax credit immediately refundable going back this year for these families in question.

So one gets the impression from having listened to these speakers that we did not do anything, that we did not pass anything. That is not true.

What this motion to instruct is encouraging is passage of an inferior tax bill from the Senate. What do I mean when I say inferior, Mr. Speaker? They want the child tax credit to go up to $1,000 for these families and then they want to take it away after the next election. It will go up for this year. It will go up for next year, and then the bill that they are advocating to take it away after the next election.

The bill we passed on this floor not only gives these families the full $1,000-per-child tax credit this year, next year but also for the rest of the decade. On top of that, Mr. Speaker, we also do

away with the marriage tax penalty, which the bill they are advocating does not address. So I just want to fill in the full story as to what is occurring here.

Now, the other issue that we are hearing about is that we are not doing anything for the military, the kids whose parent are in the military. Now, the most recent history on this issue goes back to about 1 hour ago when we just passed a bill unanimously off the floor of this House to give $1.2 billion in tax cuts to our men and women in uniform who are serving and fighting for us overseas. We just passed the Military Tax Fairness Act probably not even an hour ago off of this floor, and it is now going to the President's desk to be signed into law. So to suggest that the men and women in the military are all of the sudden being left out of tax relief is just not true, it is not accurate; and an hour ago we just fixed those problems. So that is an issue I just also thought would be important to fill in the gaps of the historical rendition that we have been hearing today.

Now, as to the issue of, and this is an accuracy that I think needs to be pointed out, as to the issue of whether or not these families are paying the taxes and they deserve the tax credit or not, these families, mind you, Mr. Speaker, do not pay Federal taxes. Their FICA taxes are offset by the earned income credit. They do not pay income taxes. Nevertheless, Mr. Speaker, the bill the House passed on June 12 did give these families, regardless of the fact that they do not pay FICA taxes which are offset by the EIC or income taxes, a cash benefit or bonus in the form of a refundable tax credit to the tune of $1,000. Again, not this year and next year, but for the rest of the decade.

Now, the other issues that have been brought to the floor were more general issues about the tax bills. You have heard the things about tax cuts for the wealthy and that tax cuts hurt the economy. Let us go back into the revision of history that we just heard about the tax law that passed earlier this summer.

Now, it is important to note that two-thirds of the top income tax bracket, the people who filed those taxes are not millionaires sitting on their yachts sipping champagne. Two-thirds of the top income tax bracket are small businesses who are the driving force of job creation in this economy. Seventy percent of the jobs we get out of this economy come from small businesses. Two-thirds of that tax bracket are small businesses. We were taxing small businesses at a tax rate higher than what we taxed large corporations in America. So before the last tax bill went into place on July 1, we taxed small businesses at a rate of about 40 percent, when we taxed IBM and General Motors and Chrysler and all these other companies at 35 percent. That was ridiculous.

Why should we be taxing small businesses in this country who are the engine of economic growth and jobs in this country at a higher tax rate than we are taxing the largest corporations in America? That is why we cut the tax across the board on individual income taxes. That was good. That is a good thing to do. It is not a tax cut for people who own yachts. It is a tax cut for people who have jobs and provide jobs in this economy.

Now, what has happened since that tax bill passed? Many of the speakers have been saying it is driving a hole in the deficit; it is actually hurting the economy. That tax bill passed on July 1. The third quarter of this economy started on July 1 and ended on September 30. What happened immediately after that tax bill passed? The economy grew at 7.2 percent. I repeat: during that period, the third quarter, the economy grew at 7.2 percent. That is the fastest economic growth quarter in this country in 19 years, in 19 years, Mr. Speaker.

Our economy grew right after this tax cut passed into law in the fastest quarterly growth in 19 years. That creates jobs. What happened to the deficit at that period, Mr. Speaker? The deficit went down by $80 billion. So what we see when that happened was when we cut taxes, not only did the economy grow, not only did a lot of wealth that was lost in the stock market come back because the stock market grew, but because the economy grew because people are going back to work because 72,000 people got jobs last month, people are paying taxes. The economy is growing and more remedies are coming into the Federal Government and the deficit is going down.

So just look at the facts and you can tell that tax relief works, that tax relief across the board, especially on small businesses, works; and the proof is in the statistics. The economy is growing. It is growing very fast. Jobs are being created. Jobs are coming back, and people are paying taxes who otherwise were not paying taxes and the deficit is going down.

Now, we have got to keep that going. And the last thing we want to do is roll back these tax cuts. What this motion to recommit is suggesting to do is pass these tax cuts and then yank them out from under the taxpayers after the election. The last thing we want to do in this economy is in the year 2005 raise taxes on people. Take the child tax credit down by $500 and stop that tax payment to all of these families.

Mr. Speaker, I think this is the 17th time we have had this motion. Whether it is the 17th time or the 25th time, what we are trying to accomplish is tax relief. We passed the bill. It is a better bill. That is the bill we are trying to get into law. I hope the gentleman who is a good guy, who is my friend on the Committee on Ways and Means, would join us. If we linked arms, we could get all of these things done and make a difference, and these families could have this tax cut for the rest of the decade, not just until the next election.

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

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

The SPEAKER pro tempore (Mr. PEARCE). The gentleman has 13 minutes remaining.

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

Mr. Speaker, there is a lot of what the gentleman from Wisconsin (Mr. RYAN) just said that I agree with, and I just say that he is one of those Members that I think does a very good job of crystallizing many of the issues. But I have to say we part company in a couple of areas.

First, there was a bill that was proposed in this House by the Republican majority to address the $3.5 billion exclusion of those 6½ million families that earn between $10,500 and $26,625. That is very true. But to get that $3.5 billion fix, what my friend from Wisconsin forgot to mention is we had to swallow an additional $79 billion in tax cuts that went unpaid for, that went principally to wealthy individuals. That I think is what makes it tough.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

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

Mr. RYAN of Wisconsin. Just a point of clarification. The reason that costs much more money is because we make those tax cuts permanent throughout the decade, and we do not yank them back at the end of the election. We actually put these tax cuts, like repealing the marriage penalty and the child tax credit, in place for 10 years. That is why the bill costs so much more money.

Mr. BECERRA. Reclaiming my time, I thank the gentleman for that point of clarification; but again, there was more to the bill than just that. It was not just an expansion of the types of tax cuts that would sound very appealing to America. There were tax cuts, again, unpaid for that went to folks that would benefit to the exclusion of the vast majority of Americans because they went principally to wealthy folks or to large corporations or to businesses that were not necessarily American-owned businesses.

As a result, it was very difficult for many Members, including Republicans, to swallow a tax cut of $82 billion unpaid for to try to correct the problem of $3.5 billion. At the time we were being told that the budget deficit might reach more than $400 billion. That is why the Senate did not take up the House version that would cost $82 billion and instead did the right thing, did what the President asked, passed a bill that provided tax relief to the folks, the 6½ million families that were excluded in the May tax bill, $350 billion tax bill that passed.

So do not put apples with oranges. It does not take $82 billion to correct the injustice, the injustice to the 6½ million families that were excluded from the expanded child tax credit. It takes

only $3.5 billion, which is quite a bit of money when you are running deficits.

It is true, there is better news. The budget deficit is $80 billion less than we expected a few months back. So today we are being told the budget deficit for fiscal year 2002 was only $370 billion, the largest deficit this country has ever had. And that is good because we were lucky. It was supposed to be $450 billion. Next year we are told it is going to be about 500 billion.

Whoopee, we should be really happy, I guess, that it is not $450 billion. So on top of the $350 billion that we have confirmed, that we have in budget deficit for the fiscal year, we should add another $82 billion to correct a $3.5 billion problem for folks that make $10,500 to $26,500, giving most of the benefits of the $82 billion in tax cuts to not those 6½ million families, because it only costs $3.5 billion to fix it for these 6½ million families.

That is not the kind of math that my 8-year-old is learning, and I hope she never learns that kind of math.

Now, the sunsetting of the $1,000 tax credit that my friend from Wisconsin mentioned, that is true. Our bill did sunset it because it was your bill that sunset it first. In fact, it was the Republican bill that became law that sunsets the child tax credit at $1,000 after 2 years.

□ 2000

That was not our doing. That was what the Republican majority chose to do. It was the decision of the majority to make it sunset, to close out, to be yanked away as the gentleman said after 2 years.

If we could find a way to pay for it, we are willing to extend it, but we are not going to continue to give someone today a child tax credit of $1,000 who makes over $150,000 and then put the burden of the deficit in the budget over the years and years to come on the shoulders of the people who did not get anything who are earning $20,000. That is unfair. It is, again, giving to Peter the rich at the expense of Paul of the modest income. That is not fair.

Military family tax relief, just about every one of us today, just as the gentleman mentioned, voted for that tax relief bill for our military families, but why did it not include this provision that we are debating right now on the child tax credit? It did a lot of good things. That is why a lot of us voted for it, and we have been waiting for months for that to get through because the military families have been waiting for some of those benefits that are in that bill that passed, but why did it exclude this provision which could have put money in the pockets of the spouses who are today waiting for their spouses to come back from combat in Iraq or Afghanistan? Probably no more than $600, $500 for families making $20,000 or less. Why could we not have put that in the bill? That again was excluded not by our choice.

I agree, small businessmen and -women do not typically go out on a yacht and sip champagne, and I would be willing to join with my colleague right now and say that all of those small businessmen and -women who do not have yachts and sip champagne on those yachts deserve to get some tax relief, absolutely, but that is not who we are talking about, because the tax relief that was given in the $350 billion tax bill of May of this year gives some of those millionaires enough to put a good down payment on a yacht. When a person gets $93,500 in tax cuts that is enough to put probably, I do not know, I am not sure how much a yacht costs, but it is probably enough for a sizeable down payment on a yacht.

Job numbers. Great to see that the economy may be getting better, may be getting better, but I hope this is not one of those economic recoveries without jobs. A jobless recovery will not do anyone any good. We have lost more than 3 million jobs in the last 3 years, and we have seen too many American workers lose all of their money through Enron-type scandals with their pension funds, and it is time for us to do something differently.

Mr. Speaker, with more than 146,000 jobs in the last quarter gone in our payrolls, it is hard for anyone to believe that America is today now turning the corner, and when we look at our States, whether it is my State of California, which has 880,000 families who were excluded from the child tax credit relief by this legislation, by the acts of the House majority leadership, or whether it was Wisconsin, which has 74,000 families that were excluded from relief, among those 143,000 Wisconsin children, about 11 percent of the families with children under 17 in Wisconsin excluded from child tax credit relief as a result of the inaction in the House to match the Senate.

We are seeing families continue to suffer. When we talk about 3 million people who have already lost their job in the last 3 years, and here we have 6½ million families that are willing to work rather than give it up, and say I am going to go on welfare, I can probably make just as much on welfare than the $10,500 I make on a yearly basis at this job, instead of trying to give them a reward, an incentive to continue that, we are saying no to them. Yes, to the guys that make over $150,000 to get a child tax credit expansion. Yes, to millionaires who get more than $93,500 in tax relief out of the $350 billion tax cut bill that went mostly to the wealthy, but no, to these 6½ million families. It just does not make sense.

Mr. Speaker, I could give my colleagues numbers for every one of the 50 States in America that has several hundreds of thousands of families who will not benefit, who did not benefit from the passage of the tax bill that excluded relief in the expansion of the child tax credit, for these working, tax paying and, in many cases, military families, but I would be repeating what has been said at least 24 other times.

I believe it is time, Mr. Speaker, that we move and match the Senate, and by the same numbers that the Senate did it, by a 98 percent margin vote in favor of giving a child tax credit to those 6½ million families, so those 12 million children know they are as wanted in America as the other children in America who did qualify for the child tax credit expansion, and we can do it without breaking the budget and do it in a way that relieves this economy of its doldrums and gets us back to work.

With that, Mr. Speaker, I would hope that we could reach across the aisle, work together, pass a bill that would cost only $3.5 billion, not $80 billion, match the Senate, get it passed, let the President sign what he said he wanted to sign, and then give those families what they deserve for a long time.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. BECERRA).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mrs. CAPPS. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mrs. CAPPS of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1, be instructed as follows:

1. To reject the provisions of Subtitle C of title II of the House bill.

2. To reject the provisions of section 231 of the Senate amendment.

3. Within the scope of the conference, to increase payments for physician services by an amount equal to the amount of savings attributable to the rejection of the aforementioned provisions.

4. To insist upon section 601 of the House bill.

Mrs. CAPPS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XX, the gentlewoman from California (Mrs. CAPPS)

and the gentleman from Florida (Mr. BILIRAKIS) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

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

Mr. Speaker, my motion would do three things. It would instruct conferees to drop privatization language from both the Senate and the House bills. It would direct any savings derived from dropping these provisions to pay for increased physician fees, and finally, the conferees on the Medicare bill would be instructed to protect the language in the House bill that provides for a small increase in Medicare payments to doctors for the next 2 years.

Essentially, this motion would tell the conferees to reject an untried proposal that would jeopardize Medicare and, instead, spend our precious resources to make sure that our doctors will be able to see their patients.

Mr. Speaker, in 1965, we established Medicare because the private insurance industry demonstrated that it could not provide affordable access to needed health care for seniors. I recognize the power of the market, but in trying to provide for the health care to senior citizens, this market falls short.

Our recent experience with Medicare+Choice just shows how true that is. Just 2 weeks ago in Ventura County, California, two private plans serving seniors pulled out, leaving these seniors with no more HMO service. Covering Medicare beneficiaries is too expensive for private plans to justify to their investors, and this is especially true in rural areas where the low population and the short number of providers has proved too high a hurdle for private plans, but in spite of this experience, proven now over many years, the House bill would turn Medicare into such a voucher program.

The Senate bill would simply pay HMOs more per beneficiary than traditional fee-for-service Medicare costs. Basically, it would bribe them to take care of these patients, but if these plans cannot provide the same care as Medicare for less, why would we want to pay them more? Why not just stick with traditional Medicare? This idea is a waste of money, and both approaches would drive premiums for Medicare beneficiaries way up.

The chief actuary of Medicare estimates that under the House bill, premiums would rise by 25 percent under this provision. This would force many beneficiaries to join HMOs and other plans since they could not afford to stay in traditional Medicare any longer, and so these provisions would end the Medicare program that has worked now for nearly 40 years, the Medicare program in which our seniors have such great faith.

Medicare under this plan will be replaced with the program where the health insurance industry itself decides how much a senior will pay and what kind of care they will get, and a senior's cost-sharing and premiums would no doubt change from one area to the next and perhaps from 1 year to the next.

Seniors have paid their payroll taxes all their lives. They were promised that Medicare would provide them with health care no matter where they lived, and now, they see that some in this place are trying to change the rules of the game on them.

AARP is strongly opposed to these kinds of changes, and so is the National Committee to Preserve Social Security and Medicare. These organizations are devoted to protecting America's seniors, and they believe that this is a mistake. They think these resources should be put to better use, and so do I.

I think instead of finding new and faster ways to funnel money to private health insurance plans, we should be shoring up the providers who actually treat and provide health care to our constituents, our physicians. In my District and all across this country, doctors were stunned to see a 4 percent cut announced for next year. This latest cut comes on top of the 5.4 percent cut in 2002. The net result of these cuts would put doctors' reimbursements at 8 percent below their 2001 levels, and it would represent the fifth reduction since 1991.

Payments between 1991 and 2004 will have fallen 19 percent behind inflation in practice costs even using Medicare's own conservative estimates.

These cuts are indefensible.

We are already having a hard time keeping enough doctors and other health care providers to care for the public in many areas of the country.

A number of surveys have indicated physicians increasingly are limiting how many Medicare patients they see and that more will be forced to do so if payments are cut again.

Medicare cuts have ripple effects into non-Medicare health care, because it makes it harder for health care institutions and for rural areas to attract and keep their doctors.

We simply cannot afford another round of cuts.

So this motion would also instruct the conferees to protect the language in the House bill that would give doctors a 1.5 increase in payments for the next 2 years. Though this is a small increase, it is much better than the cut physicians were facing.

The motion would also direct conferees to take the money that would have been spent on privatization to be spent on increasing these physician fees.

This motion is a very simple choice. Do we want to pay the HMOs more money so they may or may not cover our constituents, or would we rather put that money to use ensuring that there are enough doctors, the true professionals, who treat America's seniors and those with disabilities?

I urge my colleagues to choose our doctors and their patients over the insurance industry. I urge them to support this motion and make clear where they stand.

Finally, Mr. Speaker, I just want to note how unfair this entire conference process has been. The ranking members of the committees of jurisdiction, members of the conference and Representatives of hundreds of thousands of Americans are not even allowed in the room to be heard on this bill. The voice of the minority is a very important part of our public debate.

This exclusionary, undemocratic process that disenfranchises more than 100 million Americans is all too common up here.

Comprehensive and controversial changes like this bill cannot be sustained without the broad bipartisan support that this bill lacks.

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

Mr. BILIRAKIS. Mr. Speaker, I appear to be the only speaker on this side. I do not know how many speakers the gentlewoman has.

Mrs. CAPPS. Is the gentleman reserving the balance of his time at the moment?

Mr. BILIRAKIS. Mr. Speaker, what I would like to do is reserve the balance of our time and be the last speaker, just before the gentlewoman's closing.

Mrs. CAPPS. That is very fine.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN), the ranking member of the Subcommittee on Health on the Committee on Energy and Commerce.

Mr. BROWN of Ohio. Mr. Speaker, I appreciate the work that my friend from California (Mrs. CAPPS) does on all kinds of Medicare issues, from what she has done today with the nursing shortage to intercity hospitals and everything in between.

I also support and appreciate the good work that the gentleman from Florida (Mr. BILIRAKIS) has done on a whole host of Medicare issues, and I know from working with the gentleman from Florida (Mr. BILIRAKIS) of his personal support for Medicare, his belief in Medicare. Unfortunately, though, the beliefs of my friend on the other side of the aisle does not always play out in support for Medicare by some other members of the Republican conference.

I remember hearing the gentleman from California (Mr. THOMAS), the chairman of Ways and Means, the principal player on this conference committee that the gentlewoman from California (Mrs. CAPPS) talked about, more than 50 percent of American people, Senate and House, are simply not allowed in the House. More than 50 percent of the Senate, 48 percent of the people represented by House Members, but the gentleman from California (Mr. THOMAS) has said he wants to end Medicare as we know it.

All we have got to do really is look back on the history of this program, and while the gentleman from Florida (Mr. BILIRAKIS) does indeed care about

Medicare, wants to continue to make it work, wants to preserve it, so many of his fellow Members, including people in the White House, simply do not.

The President, some months ago, said that he wants to do a prescription drug benefit, but he said if you want a prescription drug benefit, you have got to get out of Medicare, and you have got to let the insurance industry do it.

□ 2015

That has really been the thrust from President Bush to the gentleman from California (Mr. THOMAS) to Speaker Gingrich a few years ago, to back in 1965, Republicans really wanted this system turned over to the insurance companies. Privatize Medicare and give it to the insurance industry. Go back to 1965, out of roughly 200 Republican Members of the House and Senate, only 23 voted for the creation of Medicare. Gerald Ford in 1965, a future President, voted against it. Congressman Dole, future Senator Dole, Republican Presidential candidate, voted against it. Senator Strom Thurmond voted against the creation of Medicare. Congressman Donald Rumsfeld in 1965, later Secretary of Defense and the architect of this plan, I put in quotation marks, of the rebuilding of Iraq, voted against this creation of Medicare.

Then in 1995, the first time Republicans had an opportunity to do something about Medicare, the Republicans under Speaker Gingrich tried to cut it by $270 billion in order to give a tax cut to the most privileged Americans, the same old story. Speaker Gingrich said in October 1995 that he hoped Medicare would wither on the vine.

Senator Dole in October 1995 said, that I was in there fighting against the creation of Medicare because we did not believe in it. The next year he was a Republican candidate for President.

Dick Armey, sometime later, said about Medicare, in a free capitalist country, we would not have a socialist program like Medicare. And a Republican Congressman from Georgia recently said, I heard in the Committee on Rules, said that Medicare is a Soviet-style program.

They are free to think what they want about Medicare, and the more power to them. If they do not like Medicare, that is their business, but do not come on the floor like so many Republicans have, and I accept the gentleman from Florida (Mr. BILIRAKIS) because he believes in this program, but so many Republicans come to the floor and say I believe in Medicare. I have a mother and father, and I care about them, and I care about Medicare. Sure, they care about their mother and father, but they simply do not much like Medicare. They want to privatize it and end it as we know it. They want to turn it over to the insurance companies.

Mr. Speaker, that is why the motion to instruct by the gentlewoman from California (Mrs. CAPPS) is so important to send a message to the conference committee and to send a message to the American people that Medicare works and we do not want it turned over to the private insurance industry.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise in support of this motion by the gentlewoman from California (Mrs. CAPPS), who has done fantastic work in this area.

This motion instructs the Medicare conference committee to reject the controversial and risky privatization scheme of premium support and reallocate that money to increase the payment to physicians who care for Medicare beneficiaries.

Let me first discuss the issue of premium support and why I am concerned that this scheme could potentially dismantle the program of Medicare. I am concerned about subjecting a proven health care delivery system like Medicare to the uncertainty of the private market. I am especially hesitant about the system that relies on HMOs to provide this service to our seniors.

In my home area of Merced County, there is not one Medicare+Choice plan that my constituents can participate in. HMOs have made it abundantly clear that serving the rural areas and serving rural America is not profitable; and, therefore, they have pulled out of those regions in a mass exodus. Now the House bill relies on these private plans to provide services for Medicare beneficiaries. It just does not make sense.

Additionally, since its inception, Medicare has been a defined benefit system for which seniors pay a guaranteed premium each month and receive a guaranteed benefit.

In the House Medicare proposal, seniors' health care costs would be subsidized in the form of a voucher which they could then use to buy coverage in the private market. Their benefits can vary widely. Their choice of doctors can be restricted. Some services may not be covered, and so and so forth.

In theory, this system is supposed to cut costs by introducing competition into a Federal entitlement program. Unfortunately, all this plan really does is pass the costs of health care on to our constituents.

The basic foundation of Medicare is that we are all in this together and that everyone shares the risk. With premium support, the risk stays in the Medicare pool while healthy beneficiaries are picked off by private insurance companies in order to make a profit.

Seniors do not want this. They do want their choice of doctor, they do want a choice of hospital, and most importantly, they want to be able to afford their health care. So let us not take a gamble with our seniors. Let us use the money that we will save by striking this provision and put it toward something more tangible. If we increase payments to doctors who see Medicare patients, we will ensure that they continue to offer the highest quality care and not be forced to drop Medicare patients because the system cannot cover the basic cost of their treatment.

Mr. Speaker, physicians are being forced out of providing services to Medicare patients at an alarming rate. In fact, CMS just announced they would be imposing a 4.5 percent reduction in physicians' Medicare reimbursements effective January 2004. This is a disservice to our Nation's doctors and to our seniors. I urge a ''yes'' vote on this motion.

Mrs. CAPPS. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO), whose rural district has faced the experience of having insurance companies up and leave.

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for her leadership on this issue.

It is a funny thing here, we are being told that the Republicans want to inject competition into the insurance market. Well, if they really want to do that, why do they not support my bill to lift the antitrust exemption from the insurance industry? The only industries in America exempt from antitrust law who can and do get together in private resorts on an annual basis to collude, to fix prices and red line out a whole bunch of potential clients is the insurance industry and, of course, professional sports. These are the only industries in America in a country of capitalism and competition who are exempt from any restriction on collusion.

Now we are going to throw our seniors onto the tender mercies of this collusive, anticompetitive industry. Oh, that is great. My seniors already had this experience. We had Medicare+Choice, HMOs. Oh, this is going to be great. You are going to get more benefits than under fee-for-service. Well, the companies were not able to collude and set the prices quite high enough to satisfy their profits, so they up and left with very little notice. My seniors were left in the cold.

Now what we are going to do is not only recreate that structure which has already failed the seniors of America once, to throw them on the mercies of an anticompetitive and collusive industry that does not give a darn about them, but now we are going to jigger it even a little more so it can destroy the Medicare fee-for-service plan, to which my seniors returned when they were screwed by the insurance industry. That is right; they were screwed. Suddenly you do not have an HMO plan any more, tough luck, we do not care. They could at least go back to Medicare fee-for-service.

But under this plan, it is beautiful. They are not going to have that option anymore because it is going to undermine the fee-for-service plans. It is a little thing called adverse selection. We are going to let the private, anticompetitive, collusive insurance industry cherry-pick the people they want

to cover for as long as they might want to cover them. You can get a policy for a year; but if you get sick, next year we are not going to renew your policy. That is the way this industry works.

Mr. Speaker, Members need to talk to their constituents. It is happening to people who are young, people with small businesses. Someone gets sick, we cannot renew your policy. Or we can renew your policy, only there is a 400 percent increase in premiums. That is what they are going to do to seniors because this thing is even more dastardly because it is going to destroy the core problem because we will leave the oldest, the sickest, and the ones that the collusive insurance industry does not want to cover over here in the Medicare fee-for-service, and make them pay more for it. We are going to make them pay more for it.

So this is a great option for seniors. Either the collusive industry that does not want to cover people who are sick or incurring costs will offer you a deal, or you can go back over here to Medicare which we have undermined and jacked the premiums up dramatically. That is the so-called choice in competition that the Republicans are offering the seniors of America.

Mr. Speaker, this is just an incredible travesty for this House and for the people's Representatives to even pretend that this somehow is going to improve coverage for our seniors.

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

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

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

I come here tonight in order to urge the House to support the gentlewoman's motion. It is absolutely clear that the Republican bills, both in the House and the Senate, do encourage people to move away from traditional fee-for-service Medicare. As the gentleman from Ohio (Mr. BROWN) said earlier, when asked on a television program about the damage that these proposals might do to traditional Medicare, the gentleman from California (Mr. THOMAS), the Chair of the Committee on Ways and Means said, ''I certainly hope so'' when asked if it would destroy Medicare as we know it.

But let us look back at what is happening in the State of Maine. In Maine today there is no private sector health insurance for people on Medicare. It is all Medicare fee-for-service. So when people in Washington say we are going to change your health care system, we are going to move people out of traditional fee-for-service into insurance company coverage, well, they are going to have trouble persuading people from Maine that makes any sense.

I speak from personal experience. Both of my parents passed away in the last couple of years. But before they did, in their mid-to-late eighties, they spent 1 year on a plan called Golden Care, a wraparound private insurance plan that included Medicare. It was not golden; it was a nightmare because the insurance company did what insurance companies do: deny coverage. My mother would go to the doctor. She thought she had authorization, and it would come back and the claim would be denied. That is what insurance companies do. We cannot let that happen to seniors on Medicare.

My chief of staff has a father who spent most of the last 10 days in the hospital. He had a very serious heart problem. He was in for one test after another test. He was in overnight. His situation on more than one night was extremely grave. At one point, finally, after a week in the hospital with round-the-clock care, he looked up at his wife and he said, thank God for Medicare. Thank God for Medicare.

What the Republican bills are doing is making sure that Medicare as we know it gradually withers on the vine and that it is replaced by your friendly insurance company.

I do not have a single constituent in Maine who has ever come to me and said I am ready to give up the choice of doctors and hospitals under Medicare, but what I really want is a choice of insurance plans. Send me those brochures, those insurance plans, that is what seniors want at 85 years old. I do not think so. Save Medicare, support the motion.

□ 2030

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

Mr. Speaker, I thank the gentleman from Ohio, particularly for his kind remarks. I rise in opposition to the motion to instruct offered by the gentlewoman from California (Mrs. CAPPS). This is just the latest, I think, in a long line of motions to instruct that hurt our ability to finish our Medicare bill and provide prescription drugs to seniors. I am going to focus my remarks principally on the comments made of saving money from taking money away from the H.R. 1 program, if you will, and putting it into providers.

I have been a tireless advocate of fixing the formula that the Centers for Medicare and Medicaid Services uses to annually update Medicare payments to physicians. In fact, I introduced a bill in late 2001 that would have prevented that 5.4 percent cut in physician reimbursements under Medicare that went into effect in 2002. I believe the gentlewoman was supportive as were others. Physicians were slated to receive another cut, this time of 4.4 percent, were it not for congressional action that corrected flawed data in the update formula and provided physicians with a 1.6 percent update for 2003.

However, persistent flaws in the update formula mean that physicians are looking at negative updates next year and through 2007, and this motion to instruct does not fix that. It makes no sense, and the others have said it, it makes no sense that we would be cutting payments to our Nation's doctors at the same time that their costs are rising.

That is why the House bill contains provisions, and if this bill goes down, those provisions will not be applicable and the increases that we are all talking about would not take place.

That is why the House bill contains provisions that will ensure that physicians will see their reimbursements under Medicare, rather than cut by 4.4 percent, would be increased by 1.5 percent in fiscal years 2004 and 2005. This will provide Congress with the time that it needs to make long-term reforms to the Medicare physician payment update formula so that physicians can count on predictable, rational payments from Medicare. It will also avoid a major physician access problem for Medicare beneficiaries.

I would note, Mr. Speaker, that a number of organizations representing America's physicians, including the American Medical Association, the American Osteopathic Association and the Alliance of Specialty Medicine all strongly support the House bill. I would quote from an October 30, 2003, letter from the American Medical Association. I believe the minority is aware of this. The last few lines basically say:

Pending Medicare payment cuts must be addressed now, not in 2010, which is basically what the instructions go to, and the flawed payment formula must be addressed through replacement of the formula. Simply attempting to transfer dollars from patients to physicians through some ambiguous, unspecified mechanism, as is intended under the Capps motion to instruct, would not change the flawed Medicare payment formula, and thus would not ensure long-term access for Medicare patients.

I received another letter dated the same date, October 30, from the American Osteopathic Association. It starts out:

On behalf of the 52,000 osteopathic physicians represented by the American Osteopathic Association, I write to thank you for your efforts to reform and improve the Medicare program. The AOA applauds the consistent effort by the committee and their staffs to finalize a legislative compromise that will improve the health care of millions of Medicare beneficiaries. We encourage the committee to complete work on the pending conference report, enabling both Chambers to approve the legislation before the end of the year.

In the next paragraph it finishes up by saying:

Additionally, section 601 of the bill includes reforms that reduce the future economic volatility of the physician payment formula. These provisions have strong bipartisan, bicameral support. We urge their inclusion in the final conference report.

It goes on the next page:

Given budget constraints, the AOA understands that a long-term solution

for the physician payment issue could not be included in this legislation, and I add to that my own comment, unfortunately. However, we believe strongly that section 601 provides short-term relief that will allow physicians to continue participating in the Medicare program, preventing an increase in access problems for Medicare beneficiaries. Furthermore it provides Congress ample time to develop and implement long-term reforms of the Medicare physician payment. I would add parenthetically, in my own words, that I would hope we could work together with the minority to fix that terrible, terrible, unfair formula.

We received another letter from the Alliance of Specialty Medicine basically saying the same sort of thing in a different way. It is signed by the American Academy of Dermatology Association, American Association of Neurological Surgeons/Congress of Neurological Surgeons, American Association of Orthopedic Surgeons, American College of Cardiology, American College of Emergency Physicians, American College of Radiology Association, American Gastroenterological Association, American Society for Clinical Pathology, American Society for Therapeutic Radiology and Oncology. American Society for Cataract and Refractive Surgery, American Urological Association, National Association of Spine Specialists, Society of Thoracic Surgeons.

Mr. Speaker, I would also note, and I hate to put it this way, but if my friends really would like to help America's physicians and, yes, I appreciate the fact that they are on our side in terms of trying to have an increase rather than that great, terrible decrease, then I would recommend that they support, or at least favorably, objectively, open-mindedly look at the balanced liability reform like H.R. 5, which is the HEALTH Act. The gentlewoman from California voted against this legislation. I do not question that she wants to help the providers. I certainly do not. But those people who voted against this legislation, I would like to think they basically did so with a closed mind which America's doctors so desperately, desperately need.

I have heard a number of charges that Congress is considering handing Medicare over to the HMOs. That is not what the House did at all in the Medicare reform bill that we passed.

What the House did do was to improve the Medicare+Choice program and set up a new system. It has been said that people have been dealt unfairly by virtue of losing their HMO because they moved out. That has happened in my district in Florida, too. I have reprimanded and I have admonished as far as that is concerned but, my gosh, if that is the case, then those programs apparently were liked. They were liked by the particular patients. They are distressed because they have been taken away. Their Representatives are standing on the floor of the House here and complaining that they have been taken away. So there must be some good to them. I am not sure that I would have recommended any of them to my parents, but that is my personal choice.

What the House did do was to improve the Medicare+Choice program and set up a new system that will encourage regional plans to offer seniors another choice besides traditional Medicare. It is my hope that this will extend new choices to folks in rural areas who have not had a choice in Medicare before.

I talked to the gentlewoman from Florida (Ms. CORRINE BROWN) on the floor of the House during our last series of votes. We talked about this. I said, what we're basically saying is let's be open-minded. Let's be objective. Let's take a look at new ideas. They may not be any good. There may be some good to them, there may be some bad to them, but let's be open-minded. That is basically what I was pleading. That is what we are trying to do in the conference. We are going back and forth. It is a bipartisan thing.

I remember one of the most important gentlemen, the longest in seniority in the House basically calling a particular piece of legislation he introduced bipartisan when there was one Republican who cosponsored that legislation. So he called it bipartisan. We have two Senators in these gatherings. That is pretty darn bipartisan, I would say even more so bipartisan. But what the House did not do, and I would never support, and I very much appreciate the gentleman from Ohio making those comments, is force seniors to leave traditional Medicare. I feel very strongly about that. There are a lot of lengthy, sometimes heated discussions taking place regarding that. Any statements that characterize the House bill in any other way are, I say without any hesitation, 100 percent false.

I would have voted, Mr. Speaker, in the mid-sixties, I like to think I would have if I had been in the House at that time, to establish the concept of Medicare. My parents, along with so many others, took advantage of it. They are both gone now. I certainly look forward to retiring one of these days and taking advantage of it. I am concerned that it be a viable system, it is a system that is hurting right now, but be a viable system.

The reality that we are all facing and that many folks here in Congress seem to not want to address is that reforms must be made to ensure that Medicare continues to exist. It is a great program. There is no question about it. In my opinion it is. I say that. I do not hesitate. There are faults in it. It has got to be reformed. Anything that has been in effect for something like 40 years has got to be looked at again and possibly some changes made. We have got to ensure that Medicare continues to exist for future generations. As we add a $400 billion benefit, a $400 billion drug benefit to a program that already has, we forget this, do we not, $13 trillion in unfunded liabilities, we have got to take a serious look at how we can place the program on a sound financial footing for the future.

The House and the Senate did take different approaches in trying to meet this goal. We are currently working through those differences, but I want to emphasize and what I do want to emphasize, and really emphasize, is that none of those options involve forcing any senior to ever leave traditional Medicare.

Conferees are working around the clock, almost literally around the clock. We meet again tomorrow. We will meet Monday and Tuesday, on Veterans Day. My veterans back home will not be happy to hear that, but we will be up here meeting Monday, and we will be meeting on Tuesday and there is a possibility, a very strong probability, we may not have any votes in the House next week, but the conferees will be here as we were during the last few days when we did not have any votes for 3 days during the particular week.

We are trying to reach a compromise on this issue. I am hopeful that we will emerge with a conference report that will add a new prescription drug benefit that will be available to all Medicare beneficiaries but be voluntary, provide seniors with new choices under Medicare and reimburse our health care providers, including physicians, fairly, so that beneficiaries will continue to have access to high quality care.

Mr. Speaker, the gentlewoman means well, and we have worked well together in the past, but I submit that this motion to instruct will not help us to meet that goal. I urge my colleagues to oppose it.

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

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

I want to thank my colleague from Florida. I do appreciate his discussion about the importance of supporting our physicians and our Medicare providers. I have noticed his leadership in the past of restoring the cuts that have been coming with a steady drumbeat since 1997, really, and have gone to the bone in terms of their ability to stay, delivering Medicare to our seniors and our citizens with disabilities. I support his efforts to do that as well.

That is what this motion to instruct conferees is all about. It is about the ability to keep that 1.5 percent that is already in the underlying bill and to perfect the bill, to make it something that we can support in a bipartisan fashion, by taking the funding that would be used for the privatization that would be used to subsidize the insurance companies to deliver Medicare services, amounting to $6 billion, and put that funding right away instead to the providers who need this kind of support.

Mr. BILIRAKIS. Mr. Speaker, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from Florida.

Mr. BILIRAKIS. That $6 billion, as I understand it, is in the Senate version. There is no money contemplated in terms of a cost in the House version. But in any case I do not disagree with her on this $6 billion.

Mrs. CAPPS. We are assuming the Senate bill will have some play in the discussion that is perhaps going on in the conference committee at the moment, and that is where we would urge the attention of the conferees to be put, that there is funding that has been set aside in the Senate bill that would make quite a difference in Medicare providers being able to stay, particularly in rural areas to continue to deliver the service.

I have seen the statement of the AMA and the osteopaths on this motion to instruct, and I need to say clearly for the RECORD that these letters do not describe correctly my motion to instruct. My motion to instruct supports the AMA position on physician fees. This motion explicitly supports the provision in the House bill that provides immediate assistance to doctors. In no way does it delay or support a delay in fixing the physician fee problem. Despite what the AMA and other groups have said, this motion does not delay permanent actions on fixing the sustainable growth rate. This motion does not address a long-term fix, but neither does the House bill.

The reason the House bill does not have a long-term fix is because it is very expensive. My motion would prevent the conference from spending money on risky privatization schemes when that money should be used to help finance a long-term solution to the physician fee problem. I believe the AMA must have been reading a different motion. Their statement says we are taking money from patients to give it to physicians. It could not be further from the truth.

□ 2045

Section 231 of the Senate bill has the Federal Government paying private plans, not patients. I frankly think that patients would be better served if that money went to their own doctor than to bribe some private plan to pay for their services or to play in the field.

I am disappointed that the AMA has so inaccurately described my motion, and I hope this is an inadvertent mistake. I have work very closely with the AMA and other professional groups on the problem of physician fees; and recently I brought Tom Scully, the administrator of Medicare, to a meeting of doctors in my district. The motion I am offering today is designed to respond to the concerns that they raised in that meeting with Administrator Scully. The AMA is wrong about what my motion does, and their position does not reflect the position of doctors in my district.

In addition, I wanted to address the gentleman's comments about leaving traditional Medicare in place. This House bill, which we have dealt with in the House before, will lead to rising Medicare part B costs because it would leave the sicker patients in traditional Medicare, while healthier seniors will go to HMOs. We have seen this in the Medicare+Choice plans, and we will certainly see it in a plan such as is proposed in this underlying bill. This is going to lead to much higher premiums for those who remain in Medicare. Seniors who do not want to join an HMO will be forced to because their premiums will be to expensive.

Mr. Speaker, this is a clear and very simple choice. On the one hand, we have HMOs and the insurance industry. On the other hand, we have the doctors who administer care, who know how to do this every day under Medicare, and their patients. The House and Senate bills seek to impose an untried and unnecessary privatization scheme onto Medicare. They will overpay HMOs in a bribe to get them to cover beneficiaries. These provisions would force seniors into private plans and drive up the premiums on those who stay in traditional Medicare. It would mean that seniors in different parts of the country would be paying different amounts for the same care. Instead of jeopardizing the Medicare system in this way, we could be ensuring that Medicare beneficiaries could see their doctors by making sure that they are reimbursed appropriately.

Support this motion to instruct to be sure that conferees support doctors over HMOs and protect our constituents from ill conceived changes.

So that is the motion to instruct conferees that we have proposed and that we hope will be passed in this House of Representatives so that the conferees will take seriously these recommendations to improve the underlying Medicare bill and make it something that could receive bipartisan support in the House of Representatives.

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

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

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE WAR IN IRAQ AND SUPPORTING OUR TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, since July I have come to the floor of this House night after night sharing letters from constituents and raising concerns about our policy in Iraq, raising concerns about the administration's failure to supply and to protect the troops, raising concerns about the $1 billion a week, now an increase to $87 billion a year for this Iraq reconstruction effort, raising concerns about the fact that there is no plan from the administration on how to deal with the problems for our troops and how to deal with an exit strategy in Iraq, letters expressing concern about the corruption in our government in Iraq where we are spending $1 billion a week and 30 percent of that $1 billion is going to private contractors, most of them friends of the President, Bechtel, Halliburton, other large corporations, most of them contributors to the President to the tune of hundreds of thousands of dollars, and one of them, Halliburton, particular concerns have been raised about from my constituents. Halliburton, the company that the vice President, when he was a private citizen, was CEO of, that company still pays Vice President CHENEY $13,000 a month.

Tonight, rather than reading letters from constituents, I thought I would read something else that I think is equally interesting. It was from a book that George Bush, Sr., the first President Bush, wrote with Brent Scowcroft in 1998. The name of the book was ''A World Transformed.'' On Page 489, the first President Bush tells us his views about Iraq and what he thought. This is President Bush the first speaking:

''Trying to eliminate Saddam'' Hussein, ''extending the ground war into an occupation of Iraq, would have violated our guideline about not changing objectives in midstream, engaging in 'mission creep,' and would have incurred incalculable human and political costs.'' This is President Bush, Sr. writing in 1998: ''Apprehending him,'' Saddam Hussein, ''was probably impossible. We had been unable to find Noriega in Panama, which we knew intimately. We would have been forced to occupy Baghdad and, in effect, rule Iraq. The coalition,'' President Bush wrote in 1998, ''would instantly have collapsed, the Arabs deserting it in anger and other allies pulling out as well. Under those circumstances 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 hoped to establish,'' President Bush the first wrote in 1998.

''Had we gone the invasion route, the United States would conceivably still be an occupying power in a bitterly hostile land. It would have been a dramatically different, and perhaps barren, outcome.'' Those are the words that President Bush, Sr. wrote only 5 years ago, 4 years before his son led an attack on Iraq.

Mr. Speaker, those letters from constituents that I have discussed night after night here were particularly compelling, especially some letters I got from the families of men and women who are serving in Iraq. And a couple of weeks ago I met in Akron, the largest city in my district, with 25 families who have loved ones in Iraq; and they talked about our failure, the Bush administration's failure, to support the troops, to supply the troops, to protect the troops: not enough safe drinking water, either bottled water or purification facilities, not enough antibiotics. Soldiers and sailors had to pay for their trips home, pay for their airfare. Some soldiers were actually charged by the hospital, had to pay the hospital for their food when they were recovering. And some soldiers, about one fourth of them, we are told, do not have the body armor which will protect their lives.

So on the one hand, these families said to me, our letters from constituents said to me, we have $300 million a week going to private contractors to do work that is not really very well accounted for. On the other hand, we have our soldiers simply not being protected, not enough safe drinking water, not enough body armor, not enough antibiotics. And I would hope that President Bush would have listened to his father, which he clearly did not, from his father's words, but would begin to listen to some of my constituents and other constituents who beg him to focus on protecting and supplying the troops with a little less focus on all these unbid contracts and the corruption that this has brought and the waste of hundreds of millions of taxpayer dollars that we are seeing literally every week in Iraq.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. MCCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUPPORTING THE VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, next week is November 11. And often, I believe, in this Chamber we pay lip service to our veterans; and we fail to deliver on solid votes and programs that would better demonstrate our recognition of their sacrifice and service. And this year, unfortunately with the budget and the appropriations passed, is no exception.

I was astonished earlier today when a colleague from the Republican majority stood up to pretend to document how great things are for our veterans, all these new services and things we are providing. I am hearing a very different assessment from my veterans and their dependents. And facts are stubborn things.

Here are some real facts, unlike what we heard earlier today: 150,000 veterans are waiting 6 months or longer for appointments; 14,000 veterans have been waiting 15 months or longer for their ''expedited'' disability claims; 560,000 disabled veterans are subject to the disabled veterans tax, something we have tried to rectify.

We have 373 cosponsors. There are only 435 people here. If 373 people want something, we should be able to do it, should we not? That is a super, super, super majority. But guess what. The Republican leadership, under urging from the President and Secretary Rumsfeld and threats of veto from the President, are refusing to bring up a repeal of the disabled veterans tax.

We can have tax breaks for people who do not work for a living, the investor class. We can have tax breaks for whole hosts of people and things. But we cannot have tax relief for disabled veterans. Is that not extraordinary? President Bush refused to spend $275 million in emergency money for veterans health care provided by Congress in the fiscal year 2002 supplemental appropriations bill. But of course he wants to do everything he can to recognize the service of our veterans and our young men and women.

January 8 of this year, the Bush administration cut off VA health care for 164,000 veterans. They put them in a new category called Category 8. They are wealthy veterans just like the wealthy people they are giving tax breaks to. Well, not quite. The wealthy people the Bush administration is raining tax breaks on earn over $311,000 a year. But these vets are wealthy. They do not deserve that veterans health care, according to the Bush administration. They earn $25,000 a year. They should pay for their own health care.

The President's budget also proposed doubling the prescription drug copayment from $7 to $15 for veterans, the ones who are still able to qualify, and a $250 enrollment fee on another category, Category 7 and 8. These could be people with low incomes, distinguished service, but under the Bush administration, we just cannot quite afford to give them the service we promised when they enlisted.

Now we either believe in the all-volunteer military or we do not. And we are either going to recognize the sacrifice and service of veterans or we will not. And if we do not, probably the next generation is not going to want to enlist for what is a very tough and today very bloody and dangerous job because they are not quite sure of the promise that we will take care of them and we will take care of their families and their dependents.

A few other problems. Rather than funding the VA, the Bush administration sent a memo to regional VA facilities that forbid Veterans Administration employees from proactively informing veterans about the services available to them in order to reduce the number of veterans using VA facilities.

□ 2100

That is supportive. Is that not great?

In March, House Republicans voted in favor of their budget resolution that cut $14 billion, ''B'' billion dollars, from mandatory veterans benefits over 10 years, including veterans pensions, education and other benefits. That was an hour after we voted to support the troops in Iraq.

Maybe it would have been a better message if we just had not bothered with the words, but had duly voted for the money. But, no, the Republican majority, pushed by President Bush, could not vote for that money, and that budget passed by one vote.

The House Republican budget resolution also cut $14 billion from veterans health care and other discretionary veterans programs. The Republican budget also included the President's proposal to impose a $250 enrollment fee on our veterans for the free health care that they were promised.

The Republican budget also included the President's proposal to double the prescription drug copayment from $7 to $15. The President had already raised it from $2 to $7, but, hey, we need money. We have got to send a lot of money over to Iraq, and we cannot ask them to pay any of it back, so we have to double the prescription drug benefit fee for our veterans.

Now, the House VA–HUD appropriations bill funded VA at the level requested by the President, which was $1.8 billion below the House Republicans' own budget, and it was $3.3 billion below the level requested by national veterans organizations in their independent budget proposal.

Let us really celebrate Veterans' Day, and give them the services they earned and need, and pay for them.

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

(Mr. KING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

(Mr. MURPHY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

(Mr. EDWARDS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN HONOR OF SERGEANT SEAN DRISCOLL, 101ST AIRBORNE DIVISION, UNITED STATES ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to share with the Members of the House and the American people my experiences visiting Walter Reed Army Medical Center yesterday. I had the pleasure and the honor of visiting some true American patriots who were severely injured in Operation Iraqi Freedom and are currently recuperating at Walter Reed. I was especially pleased to meet with Sergeant Terry Jones, a reservist, from Columbus, Georgia, Fort Benning, who served bravely in Operation Iraqi Freedom.

Mr. Speaker, my visit to Walter Reed was one of the most moving things I have done since coming to Congress in January. I felt it was important to let these heroes of Operation Iraqi Freedom know how much we in Congress appreciate their sacrifices. I wanted to relay to them my belief that through their heroic deeds, they have made the United States a safer place for all Americans and brought precious freedom and democracy to the people of Iraq.

Mr. Speaker, yesterday I also had the pleasure to meet with Sergeant Sean Driscoll of Clarksville, Tennessee, and his wife Georgette. Sergeant Driscoll was recently wounded in Iraq as part of his operations serving in the Army's 101 Airborne Division.

Mr. Speaker, I could talk at great length about Sergeant Driscoll's dedication and sacrifice to his Nation during a 15-year career in the Army, as well as about my immense gratitude for all that he has done to advance freedom across the world. But I think that his 18-year-old daughter, Antoinette, has paid tribute to her father much better than my words could.

Therefore, Mr. Speaker, I would like to read the following testimonial written by Antoinette Driscoll about her father, Sergeant Sean Driscoll, so that it can be placed into the CONGRESSIONAL RECORD.

It is titled ''Hero.''

''Words cannot express how proud I am to be able to say that my Dad is a HERO. There are people who have parents that are doctors that save and rehabilitate people everyday, but my Dad is far greater. Some parents save others from fiery buildings or patrol the streets at night, but my Dad is far more dignified. Those people may be heroes in their own way, but my Dad is far more superior than they. For my Dad is a soldier, defending our wonderful nation, putting in countless hours of sweat, tears, and selfless sacrifice and service for those who live in the United States.

''My Dad is the one who fights and risks his own life for us privileged Americans. He makes sure that doctors have a place to educate themselves and practice. He makes sure that everyone has the opportunity to find a job, and has a home and an education, and makes sure everyone can sleep safely at night. I can't think of any other who is greater than he. I am proud and honored to be able to love someone like this.

''I can only hope that I will one day follow in his footsteps and defend my country. He has taught me a couple of things which I feel every American should know. One, freedom is not free, and there is no greater Nation than the United States of America. He has served many years and has shed blood for my freedom. I could never thank him enough for all that he has done. Not just for me, but for my family, friends, and people who he doesn't even know. I hope that one day I'll be able to fight for him, so he can live safely and rest when he comes home. I love him for these reasons and many more.''

Mr. Speaker, I think this statement from Antoinette Driscoll poignantly demonstrates her love and admiration for her father. It is also important to note that Antoinette will soon enter the United States Air Force herself, and her younger 16-year-old brother will join the service in a few years as well.

The Driscoll family has demonstrated to me great resolve in the face of difficult circumstances. Even though Sergeant Sean Driscoll was severely wounded in Operation Iraqi Freedom and he has spent many months away from home, his family remains undaunted in its commitment to serving our Nation. They can teach all of us a valuable lesson in sacrifice and dedication to the American ideal.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

(Mr. BEREUTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

(Mr. MILLER of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

(Mr. HENSARLING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TAX CUTS BRING ABOUT ECONOMIC RECOVERY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 60 minutes as the designee of the majority leader.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I am here today to speak about an issue that is a huge priority for the Republican majority in this House, and also, Mr. Speaker, a huge priority for the President of the United States, and that is the United States of America's economy and where we are with our economy right now.

Ever since I got elected, which, as you know, Mr. Speaker, has not been a long time, time and time again I have heard from our dear friends in the Democratic Party how the tax cuts that the President of the United States was pushing for and that this Congress approved were not working, and they were not going to work, Mr. Speaker. They were impossibilities. They could never work. They were not based on any sound policy. And the quotes go on and on and on, how again there is just no way that it was going to work, because it was irresponsible, because it was ludicrous, because it did not make sense, because, I even heard some people say, because you hurt government when you take government's money away.

Think about that. I actually heard that. I am paraphrasing it, but I heard a statement just like that on the floor of the House. It is going to hurt government to take that money, government's money, away, by giving it in tax cuts, by giving away government's money in tax cuts, Mr. Speaker.

We clearly have some serious differences with our friends in the other party. One of the main differences, Mr. Speaker, is a pretty basic realization, and that is this, that every single dollar that we are dealing with here, every single dollar that we debate on this floor, every single dollar that this government spends, Mr. Speaker, is not the government's money; it is money that the government takes from the hard-working American taxpayer. It is their money. It is their money that we are spending. It is not the government's money.

Yet, when the President and this Congress said we have to incentivize this economy, because the President was not happy with how the economy is going, he felt and we felt, the majority, that we had to do better, we had to do a better job to make sure that more Americans had jobs, Mr. Speaker, that every American that wants a job should be able to find one, so this President had a very ambitious program to incentivize the economy, I repeat, we heard every single possible statement that you could possibly hear as to how it was not going to work.

Let me read a couple of quotes. I am not going to bore you with all the quotes, you have heard them before.

For example, the gentleman from Hawaii (Mr. CASE) said, ''This is not reasonable. This is haphazard and this is reckless.''

I love this one. The gentleman from Maryland (Mr. WYNN) stated, ''The tax cut program did not work.''

Mr. Speaker, let me just see if I understood this. He said that the tax cut program, i.e., taking less money from the taxpayer, the government taking a little bit less of the taxpayer's hard-earned money, he said would not work and did not work to incentivize this economy.

But you know what happened, Mr. Speaker. After all the rhetoric was stated on the floor of this House and in committee and in the Committee on the Budget and many other committees, after all that rhetoric, something very interesting happened, Mr. Speaker. The economic numbers came in, and what did those economic numbers show? Did they show that the tax cuts that the President proposed and that the majority of this Congress worked so hard to pass, did those economic numbers show that the tax cuts did not work?

Oh, no, Mr. Speaker. Let me say, and I know the American people have heard a lot about this recently, because even some friends in the press have had to admit now that it is working, that the tax cuts are working, that taking less money from the hard-working American taxpayer is doing what the President said it was going to do, and it was going to incentivize the economy.

Let me just read you some numbers. Gross domestic product, the GDP, increased from an annual rate of 3.3 percent in the second quarter due to the tax cuts to a rate of 7.2 percent in the third quarter, the highest rate of growth in almost two decades.

There has been, Mr. Speaker, and I do not know if you have heard it, a lot of chewing, a lot of good friends on the Democratic side chewing their words, eating their words, because the facts are here. It is working.

Let me give you a couple other statistics. Spending on big ticket items like cars and the such increased by an unbelievable 26.9 percent in the third quarter; 26.9 percent in the third quarter. If you listen carefully, you will hear it; more chewing, more chewing of their words, because, remember, these were the tax cuts that were not going to work. These were the tax cuts that were not going to incentivize the economy. 26.9 percent on big ticket items in this quarter.

Consumer spending, Mr. Speaker, on nondurables, like food and clothing, increased by 7.9 percent, the best since 1976. And the chewing continues. The chewing by the Members of that side of the aisle continues, eating those words when they said no, taking more money from the people is what we need to do; raising taxes is what we need to do to incentivize the economy, and, again, doing what this President said we needed to do and what the majority of this Congress wanted to do and got passed was not going to work. But the numbers, Mr. Speaker, do not lie. Here they are.

Mr. Speaker, business spending on equipment and software increased by 15.4 percent, the largest increase since the first quarter of the Year 2000. Listen to the chewing. Listen to the chewing, more words on that side of the aisle being eaten, because they said it was not going to work. Again, I repeat, what they said we had to do was increase taxes on the American people. As a matter of fact, the members of the Democratic Party proposed 25 increases in taxes this year alone.

□ 2115

Between this Chamber and the other Chamber, 25 times they proposed increasing the American taxpayers' burden. They proposed raising the taxes on the hard-working Americans, to send it up to D.C., because tax cuts were not going to work, were not going to incentivize the economy.

Mr. Speaker, homeownership rates, which is something that I think is so crucial, was up to 68.4 percent in the third quarter, the largest ever, the largest homeownership rate ever. And the initial weekly jobless claims data continues to improve, Mr. Speaker. Look, one does not have to be a rocket scientist to understand that one needs to have a better economy to get more jobs. If we do not have a better economy, we are not going to get more jobs. So it is not rocket science that we are starting to see that the weekly jobless claim data continues to improve. For the past 4 weeks, jobless claims have been below 400,000. Still too many, but again, because of this President's leadership, because of the leadership of the majority of this House, Mr. Speaker, because this House, along with the President, decided to take less money from the hard-working American taxpayers, the economy is starting to rebound, and it is doing so in a way that many people said was impossible. Many people, Mr. Speaker, I repeat, who are now, I can hear it, I can almost hear in the background, eating their words.

Consumer confidence is up 4.1 points from previous months. Again, Mr. Speaker, this is the issue; and the crux of the issue is twofold. Number one, it is not the government's money; it is the people's money. When we let the people keep a little bit more of their money, Mr. Speaker, that is not a gift. Government is not giving those people anything, Mr. Speaker; government is taking a little bit less of the people's money so that they can spend it on their children, on their kids' education, on savings, on whatever they want, because it is their money. It is their money to start with. And on top of that, what happens is that the economy begins to grow and the GDP begins to grow.

So, Mr. Speaker, I have a number of dear friends and colleagues who are joining me here today, and if I could, I

would like to yield to the gentleman from Texas (Mr. HENSARLING). He has done an incredible job in the time that he has been elected as one of the founding members of the Washington Waste Watchers, a man who has shown incredible leadership fighting waste, fraud, and abuse.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and I especially thank the gentleman for his part in helping bring about this great economic growth plan of President Bush, and especially for his leadership in helping fight waste, fraud, and abuse within the Federal Government that is so hurting our family budget.

Mr. Speaker, thanks to President Bush, we have had some of the best economic news that we have heard since the recession occurred in March of 2001. As my colleagues heard earlier, the economy grew at a whopping 7.2 percent, the best in almost 20 years. Again, let me repeat that. The economy has grown at 7.2 percent, the best in 20 years.

Now, while economic cycles, with their peaks and valleys, have occurred over the history of America, the events of the past 3 years have been especially challenging to our economy and our financial markets. The burst of the high-tech bubble; 9–11, which cost the economy close to $2 trillion, along with the corporate scandals that we saw with Enron and WorldCom, all of these were significant factors in contributing to a downward economy. But thanks to President Bush and the Republican leadership in Congress, we have had an extremely shallow recession, and we have moved from negative economic growth to positive economic growth, and we have moved to it in a most dramatic way.

Now, earlier this year, the President offered his progrowth positive economic growth plan that I was happy to cosponsor. It included tax relief for families and tax relief for small businesses. It was designed to spur economic growth by allowing Americans to keep more of what they earn, giving them more money to spend and save and invest in our economy. The fact is, Mr. Speaker, that plan is working.

The growth of America's gross domestic product is the strongest it has been in 20 years. The third quarter economic growth of 7.2 percent is the best since 1984. The third quarter spending on big-ticket items like cars have increased by an astounding 26.9 percent. Consumer spending on nondurables like food and clothes increased by 7.9 percent in the third quarter. This is the best in almost a quarter of a century. This is good economic news.

Consumer confidence is up. Business spending on equipment and software increased by 15.4 percent, the largest increase since the first quarter of 2000. Productivity has increased 3.9 percent during the first 2½ years of this administration. This is the fastest start, the fastest pace of any Presidency since JFK. Productivity is what makes us competitive, more good economic news resulting from President Bush's progrowth economic plan.

Exports rose for the first time in four quarters to over $1 trillion. Inflation, once the scourge of the elderly and those on fixed incomes, continues to be almost nonexistent. And this is an important one, Mr. Speaker: shareholder wealth is up $2.9 trillion, trillion with a T, an increase of 22 percent since October of 2002.

Now, 50 percent of this increase in the stock market wealth has occurred since the economic growth agreement was reached in May. This is so important because half of all American families own stock, most of which or much of which is in 401(k) retirement plans; and half of those stock-owning families, Mr. Speaker, make less than $50,000 a year. These shareholders are families investing in their future. They are parents saving for their children's education. They are seniors who are dependent upon investment income for retirement. They are Americans making $50,000 a year.

The President's progrowth economic plan is helping Americans rebuild their nest egg. This is great news.

But, Mr. Speaker, there is even more great news, and that is that homeownership in the third quarter was 68.4 percent, the highest level ever in the history of America. Let me repeat that, the highest level of homeownership in the history of America, thanks to President Bush and the Republicans in Congress passing this economic growth package.

Now, homeownership has been a time-honored American tradition and a central part of the American Dream since the founding of our Nation. And because of the President's leadership, because of the tax relief that we fought so hard for for the American people, more young couples, more families are realizing that dream of homeownership. This is indeed great news.

Now, just a few months ago, as my colleague said, Democrats were saying that the economic growth tax relief program did not work. They called it unreasonable, haphazard, reckless, and fiscally irresponsible. I am not sure what is unreasonable about having the highest rate of homeownership in the history of America. I do not know what is haphazard about the stock market going up 22 percent and helping American families build a nest egg. I am not sure what is reckless about productivity gains. But they called President Bush's blueprint for the economy a failed policy that would hurt long-term economic growth.

But, Mr. Speaker, as usual, their rhetoric was wrong, their reasoning was wrong, their economics were wrong, their predictions were wrong. In the end, they were just flat wrong.

The success of the Bush jobs and growth plan and the positive economic news that we have heard comes as no surprise to economists. The chairman of the Federal Reserve back in June, Alan Greenspan, stated, ''Fortuitously, this particular cut in taxes is happening at the right time.'' He said that the fiscal boost created by President Bush's tax relief plan would ''create a fairly marked increase in after-tax income in the third quarter,'' and that is what we have seen.

Now, although we have had some great economic news, Mr. Speaker, we still have much work to do. Unemployment is still too high; but the good news is, it is improving. In the month of September alone, the U.S. economy created 57,000 net new jobs, the first time in 9 months that we have added jobs to our economy. Since the 2003 economic growth plan, initial claims for unemployment insurance have declined by more than 10 percent. And if history is our guide, historically, employment is the last economic indicator to come in line.

Now, Democrats continue to criticize our President for 6 percent unemployment. Frankly, compared to the unemployment rates of much of the Western world, many still envy us. European nations such as France and Germany report unemployment rates of almost 10 percent. Spain's unemployment rate is almost double that of ours at 11.4 percent. Frankly, inheriting a recession, coupled with 9–11, corporate scandals, fighting the war on terror, I believe this President deserves credit for keeping 94 percent of the American workforce employed. Without his plan, let there be no doubt: we would still be in recession and millions more would be unemployed, but we will not rest until every American that wants a job has a job.

Our economic growth plan is working, but the Democrats want to roll it back. Today's Wall Street Journal included a column on″Demo-nomics,'' explaining how all nine of the Democrat candidates for President are proposing to raise taxes. Now, I am not sure what is news about that, but it further explained how the gentleman from Missouri (Mr. GEPHARDT) and Howard Dean are proposing to repeal every single dime of the President's progrowth tax relief, regardless of income.

Mr. Speaker, permit me to quote from the Wall Street Journal: ''Dr. Dean then goes further and proposes lifting the income cap on payroll taxes, a huge marginal rate increase on anyone making more than $87,000 a year. All of this plays well with liberal primary voters who loathe all things Bush, but it would amount to the largest tax increase in history if they prevail.''

Once again, the leaders of the Democrat Party are proposing the single largest tax increase in the history of America.

Mr. Speaker, I do not know, do Democrats have a problem with families who make $50,000 a year getting a better return on their investments? Do Democrats have a problem with more homeownership? Do Democrats have a

problem with economic growth? Do Democrats have a problem with productivity gains? Do Democrats have a problem with 401(k) gains?

The Democrats have fought us on tax relief; they have fought us on lawsuit reform. Most recently they have even fought us on trying to get rid of only 1 percent, 1 percent of the waste, fraud, and abuse that is so rampant within our Federal budget.

Mr. Speaker, the simple truth is that the Democrats' vision is about growing government. The Republican vision is about growing the economy. We want to grow the family budget. They want to grow the Federal budget. And the plan the House Democrats put forward would have raised taxes yet again and increased government spending by almost $1 trillion for new programs. That is their plan for America's future.

Mr. Speaker, the latest economic news proves, once again, that the Democrats are wrong. The answer to promoting more economic growth is not to raise taxes; it is not to take more money away from hardworking American families. The answer is to continue to promote small business, to promote entrepreneurship, to promote more freedom, to make the Bush tax relief permanent, to let more Americans keep more of what they earn. Because, Mr. Speaker, if we will only preserve freedom and all of its essentials, there is no limit to what we, the people, can achieve.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, the gentleman brought up really, really good points. One of the things that he mentioned, and I think it is true, and I think when we think about it, it is amazing. The gentleman mentioned how some of these very high-profile Democratic leaders want to repeal all of the tax cuts, the Bush tax cuts; and then they call it all sorts of different things. We have seen it: they say, cutting taxes on the rich.

But let me read what some of those tax cuts they want to repeal are, because one of the things that some of our colleagues hate is when we speak with the facts in hand.

Some of those are, if they were to be successful, that means that we would reinstate 9 million low-income Americans back on the tax rolls. These are Americans, low-income Americans that are now not paying Federal income tax because of the Bush tax plan. And what the Democrats are saying, if they were to succeed on that, that those high-profile leaders the gentleman mentioned, that those 9 million low-income Americans would get back on the tax rolls and would have to start paying taxes, low-income Americans. Are those the rich who they say that we should not cut their taxes?

□ 2130

It would reinstate the marriage penalty, the marriage penalty. Is that for the rich? Do only rich people get married in this country? I mean, I do not know. Maybe I am learning something. No. No. It would reinstate the marriage penalty. It would cut in half the $1,000 per child tax credit. Do only rich people have children in this country?

So they would then cut in half that tax cut, $1,000 tax cut. And do they insinuate? No. They say that the tax cuts, the Bush tax cuts are tax cuts on the wealthy. Excuse me? Cut in half the $1,000 per child tax credit? Maybe it is news to the Democrats, but not only rich people have children.

It would raise taxes on education savings by 75 percent; by 75 percent. Dealing with rich people here? No. It would eliminate the income tax deduction for paying for college tuition. I know that it sounds hard to believe, but it would eliminate the income tax deduction for paying for college tuition. That is what they want to eliminate.

Those are the tax cuts that they say are for the rich? No. No. No. Get real. They would increase a double tax on dividends by as much as 62 percent. They would reinstate the death tax. I do not know. Maybe only the rich die. Maybe they think that only the rich die. No. They would reinstate the death tax.

They would eliminate the emergency tax relief to areas affected by the attacks of September 11, 2001. They would also do that. They can claim, they can say, they can state whatever they want to.

These are the facts. The facts are that the President's tax cut proposal is working, that this Congress's leadership, making sure that that passed, has made, has created serious economic growth. And the reality is when they talk about eliminating all of Bush's tax cuts, they are not talking about eliminating tax cuts for the rich, they are talking about these tax cuts. And the hardworking Americans paid a lot of money. They sent a lot of money up to Washington. It is their money.

My colleagues know what the President believes and what we believe, Mr. Speaker, that if you allow the American people to keep some of their money, good things happen. He was right. He was proven right. The leadership in this House was proven right.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KLINE), who not only is a Congressman, but I think we also have to thank him for his previous service to this country. As Members know he was a colonel in the United States Marines. He makes us proud. I think all of us feel proud to have him as a colleague here in Congress.

Mr. KLINE. Mr. Speaker, I thank the gentleman from Florida (Mr. MARIO DIAZ-BALART), my distinguished colleague, for yielding, and more importantly, most importantly, for his leadership on this issue and so many issues. It is such a pleasure to serve with such a fine gentleman.

Mr. Speaker, I rise today, of course, to join he and my other colleagues in sharing the really great news what we are seeing in the United States economy. As you heard from the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentleman from Texas (Mr. HENSARLING), the United States economy grew at the astonishing rate of 7.2 percent in the third quarter. The highest rate since 1984. That warrants the repetition that we are giving it this evening.

It is a sign that the President's Jobs and Growth Package is doing exactly what it was supposed to do. And I am so pleased to have been a part of this Congress to help make this a reality. That package that we passed this year helped to generate our growth spurt by bringing economic activity to a higher level. That was exactly the purpose. This, in turn, increased the incomes and the living standards, the living standards for American workers. Not just the living standards for the rich, the living standards for American workers. And, in addition to this incredible, astonishing growth, we have seen other important indicators of a reviving, in fact, a rapidly growing economy.

My colleague, the gentleman from Texas (Mr. HENSARLING), mentioned that home ownership has reached the highest level ever, the highest level ever. And since the beginning of this year, the value of the United States stock markets has increased $2 trillion. Two trillion dollars. That is money in retirement accounts and 401(k)s and IRAs and mutual funds. That is real wealth to Americans. Disposable income is up 5.8 percent.

And, just as predicted, when you let the American workers, businesses, and families and individuals keep more of their own money, when you tax it less, and disposable income goes up, other good things happen. Manufacturing goods are up. Shipments of durable goods are up. Consumer confidence is, you guessed it, up. Things are looking up and there is more to come.

Mr. Speaker, the point has been raised that jobs are not as high as we would like them to be, but I am here to tell you that they are on their way. This economic indicator always lags, and we are already starting to see signs that the labor market is beginning to improve. Claims for unemployment insurance are down.

My colleague from Texas mentioned that 57,000 new jobs are were created in September. Progress is evident. We have more work to do. And the good news is that the President and the leadership in this house never planned to rest on its laurels.

The President, the administration, the House, has a plan to further strengthen the economy and create more jobs. Six easy points that the President has articulated, and it bears repeating tonight for our discussion. We want to ensure an affordable and reliable energy supply, and we are working on passing an energy bill; we want to reduce the burden of frivolous

lawsuits on our economy; streamline regulations and reporting requirements; make health care costs more affordable and more predictable; open new markets for American products; enable families and businesses to plan for the future with confidence by bringing consistency and predictability to the system.

Mr. Speaker, this Congress and this President recognized a need and responded. We are already seeing signs of success and more to come. I am so pleased to be here with you tonight and to be part of this Congress and this team working for a better, stronger America.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, you know the numbers do not lie. Here they are. My colleague mentioned them, the gentleman from Texas (Mr. HENSARLING) mentioned them, 7.2 GDP increase, the highest rate of growth in 19 years. By the way, I never heard our good friends from the other side of the aisle say we were wrong, we were wrong in suggesting and proposing tax increases as a solution, we were wrong in proposing legislation that would have increased the deficit by almost $1 trillion. And yet they say that they are concerned about the deficit. All of us are concerned about the deficit. And we believe that one of the ways to lower the deficit, clearly, is to create economic growth and to incentivize the private sector to create economic growth.

Our good friends on the other side, the Democrats, let me quote the gentleman from Hawaii (Mr. CASE), he said, quote, ''I see public debt climbing through the roof,'' end of quote. The gentleman from New Jersey (Mr. PALLONE) said, quote, ''The Bush economic blueprint, the House GOP plan is also fiscally irresponsible,'' we have talked about that a little while ago, ''because the debt it would create, saddling our children with debt and hurting long-term economic growth.'' And, yet, that party proposed increasing the debt that they are saying is high.

We would all agree that we want to control that debt, the deficit, but they say that this, what the leadership of that party proposes, this year alone increases to the deficit of almost $1 trillion. You know, they may get upset at me because I am bringing up some of these facts, but I think one cannot deny the facts. One cannot deny that the President's tax cut proposal package, that this House, because of the leadership of this House, the majority leadership, is working. And they cannot deny that they propose amendments to increase the deficit by almost $1 trillion.

Mr. HENSARLING. Mr. Speaker, would the gentleman yield?

Mr. Speaker, he brings up an excellent point about the Federal budget deficit. And what many people may not realize is that, and he and I serve on the Committee on the Budget, so we know this, but the pro-growth economic tax relief that President Bush proposed was $350 billion over a 10-year period contrasted to $28.3 trillion, trillion with a ''T'', worth of spending over that same time period. So if you do the math, what you discover is that the pro-growth tax relief was 1.2 percent of the spending. And so as those on the other side of the aisle continue to attack us for a Federal budget deficit, one, tax relief is part of the solution, not part of the problem. That is how we have the highest rate of home ownership in the history of America. That is how we have the productivity gains. That is how we have an increase of 22 percent in the stock market, helping Americans go back and rebuild those nest eggs.

Tax relief is part of the solution, not part of the problem. That is how we have economic growth. That is how we have the most, the greatest increase in economic growth in 20 years.

If you care about the deficit, do not look to 1.2 percent of tax relief, look to the 98.8 percent of the spending which, as we well know, Democrats refuse to do. When we proposed finding 1 percent, a mere 1 percent of waste, fraud, and abuse that is so widespread in this Federal budget, the Democrats fought us every step of the way.

And as my esteemed colleague has pointed out, on top of the Democrats fighting the tax relief, not focusing on the spending, they actually proposed almost $1 trillion more spending over and above the budget we passed. That is their vision for America, and their vision fails.

Mr. MARIO DIAZ-BALART of Florida. Well, I think the facts bear that out. That is why, again, if you listen carefully you might even hear, you might hear that crunching of people's mouths because they are eating their words. They are chewing those words.

And one person who has been a leader and an inspiration to a lot of us here, trying to bring fiscal sanity to this, and obviously the President has been leading that charge, and the leadership here, but one of the Members in this freshman class that has done an incredible job is the gentleman from New Mexico (Mr. PEARCE), the person who understands the importance of controlling spending, who understands the importance of controlling the size of the deficit, and who understands that the way to increase the economy, to make this economy grow, is not by taking more and more money from the American taxpayer. And I thank him for joining us here. I would yield to the gentleman now.

Mr. PEARCE. Madam Speaker, I thank the gentleman from Florida (Mr. MARIO DIAZ-BALART) for leading this important discussion.

Madam Speaker, I began these economic discussions in my district early in my term. About February or March we began to talk about the potential tax cut. And good, well-meaning people ask why would we give a tax cut in the face of deficits. And it is a fair question. It is one that I addressed at the time, and it is one that is worth revisiting the answers.

First of all, to know why we would approach a deficit situation offering a tax cut, one needs to understand the problem with our economy. Our economy first received its first shock back in March of 2000 when the dot-com collapse occurred. Everyone will recall that those dot-com stocks had escalated from no value to some selling at $200 and $300 per share. They had no revenue. They had no product. They had no sales. They just had optimism and euphoria about the potential.

It was right and necessary that the price of those stocks collapsed down because it was unwarranted to have such a high price. But while the prices were up, people were cashing in their stock and the capital gains created the illusion of an economy that had grown and had improved.

Now, what that did is it caused us all in the Federal Government and in almost every State government to reorient our spending for those perceived surpluses. Now, when the dot-com collapse occurred, it took us back to about the 3 percent growth rate which we had experienced.

□ 2145

So the economy was basically at the same point before and after the dot-com ramp up, but we had reoriented our spending patterns at both State and national levels. State began to have difficulties balancing their budgets. The Federal Government began to run in a deficit situation. We were just about to come out from underneath that problem when 9–11 hit. That was a $2 trillion problem, $2 trillion taken out of the lives of people, the actual loss of lives, also the economic impact that it had on the lives of people.

After 9–11 we were still just about to come out of the recession when the companies that under President Clinton's term had cooked the books and no one had called the bluff, WorldCom, Global Crossing, Enron, those stocks began to collapse under this President. Someone was willing to take those problems into account. And at that time, then, the consumers lost confidence in the stock market and began to pull their money out. That is where our problem arrived at this year.

So when I looked at the potential, we had one of two choices, one to cut spending like the gentleman from Texas (Mr. HENSARLING) said, a notion that was rejected outright by the Democrats; the other choice that we had was to reinvest.

My wife and I have owned a business for the last 14 years. We hate debt. Almost always we are out of debt. We operate simply on cash; but occasionally when it is time to expand, we will take on additional debt. We create an expansion. We grow the size of the company. We pay the debt off and we are back on solid ground. That is the way the tax cut was.

We are taking some of the money back, putting it into the pockets of the

people, offering incentives to businesses in order that they might grow.

People ask, exactly how does it work? I will tell you, in my district, in my hometown there is a small manufacturer. They make oil field equipment that sells for about $750,000 per unit. Before the tax cut, they were completely out of back orders. They were just at the point of laying off people. They were producing their last piece of equipment that had been ordered.

The day the President signed the bill, they got more back orders in one day than they had gotten the previous entire life of their company. They went to 2 years' worth of back orders. They brought on new people. For each new unit that was produced, they hired four people and sometimes five.

Mr. MARIO DIAZ-BALART of Florida. Let me, if I may, the gentleman is reminding us and me of what the situation was. It was absolutely right. That is why it is even more remarkable what the President and the majority in this Congress were able to do. More remarkable because we are dealing with the effects of 9–11, the effects of 9–11 when we all know what a travesty and a tragedy that was.

We are dealing with the dot-com crash, as the gentleman mentioned. We are dealing with the scandals in Wall Street. And yet, despite all those things, because the President had a plan, a fiscally responsible plan, the economy is picking up. Despite all of these things, despite the fact that we are at war, and I know that some people do not believe we are at war. The esteemed Democratic leader whom I respect and I am going to paraphrase it, I do not have the quote with me on the floor, she said something to the effect of, I do not feel that we are at war.

She has the right to not feel that we are at war, but the reality is that we are at war, that we were attacked. And despite the fact that we are at war, because of the efforts of the President, because of his sound leadership, because of his truly sound leadership, because the leadership in this House and the majority party of this House and the majority of the Members, this House voted for that stimulus package that, again, our good friend on the Democratic side said, it is not going to work.

I think maybe thinking the economy has taken such a huge hit because of 9–11, because of the crash of dot-coms that no way, nothing can work. This President had a sound policy. It was approved by this House, by this Congress; and it is working. And without that tax relief, without those tax relief packages of 2001 and 2003, 1.5 million Americans would be out of work right now. Right now. Those are people that would not be working. Was it worthwhile taking all the heat, taking all the political heat to make sure that we produced, that the economy grew to produce those 1.5 million jobs? Ask those 1.5 million Americans if it was worthwhile.

The tax relief package of 2001 contributed nearly $400 billion in growth in 2002, again, despite our dear friends on the Democratic side claiming that the tax program did not work, quote/unquote as the gentleman from Maryland (Mr. WYNN) said. And again, since 2003 the tax relief plan, initial claims for employment insurance have declined by more than 10 percent since then.

It is real. It works. We knew it was going to work; and we also knew, we clearly also knew that the Democrats' answer to the problem, which was massive tax increases and massive additions to the deficit, would have been a total disaster. And so I for one am not apologetic. I for one am not apologetic when I say I am proud that I was part of a small part of making sure that the Federal Government took just a little bit less of the American hardearned taxpayers' dollars.

Mr. KLINE. I just want to follow up on the comments that the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the distinguished gentleman from New Mexico (Mr. PEARCE) were making about the resilience of our economy and the power that you get when you let the American people keep their own hardearned money.

We have talked about the dot-com bubble, well-described, the terrible corporate scandals that would have rocked any economy to its heels, the horrific attacks on 9–11. We are conducting major military actions in Afghanistan and Iraq. We are conducting a global war on terrorism. We have had the largest reconstruction, reconfiguration of the Federal Government since 1947. And still the American economy grew. And as we have talked about this evening, because of the leadership and the trust of the President and the leadership in this Congress and letting the American people and letting American businesses spend their money in the way they saw fit, we have seen the largest growth in gross domestic product in 19 years.

I just think it says remarkable things not only about the President and about the leadership in this House, but about the wonderful American people and the strength of our economy.

I thank the gentleman for yielding to me.

Mr. MARIO DIAZ-BALART of Florida. When the gentleman was speaking right now, one thing that hit me and it hits me every time I listen to the gentleman and other colleagues on the Republican side, and I listen to our colleagues on the Democratic side, the gentleman just said that it is the people's money. And yet when we listen to the Democrats, they say we are giving, that the government is giving to the people. A gift. We are giving tax cuts. We are giving away this money.

In other words, government, we, being government, is giving away this money. Wait a second. Since when did government create it? Did government produce it? Where does that money come from?

The gentleman from Texas (Mr. HENSARLING) and I have had those conversations time and time again. We share a frustration when we hear those debates. That may be one of the reasons that when we are sitting on the Committee on the Budget and the gentleman from Iowa (Chairman NUSSLE) had a proposal to cut just 1 percent in waste, fraud and abuse, we can recall that not one single Democrat, not one, could even make the mistake of voting to cut 1 percent of waste, fraud and abuse. Of course not. Because it is not the people's money in their eyes. It is government's money. So if we waste it, if we throw it away on credit cards, whatever we do, it does not matter. There is more where that comes from.

That is why they proposed between the House and the other Chamber, 25 times they proposed increasing taxes. Why? Because it is the government's money. The people are here, it seems they believe, to serve government. The people are like a cow that we milk, that government milks. That is the only purpose. And that is a frustrating thing I hear all the time. And that is why I love to hear what I just heard from the three gentlemen that no, it is not. It is not government's money. It is the people's money. And that is why I am not ashamed, I am not embarrassed when we support initiatives to allow the people to keep a little bit more of their money.

The gentleman from Texas (Mr. HENSARLING) mentioned that it is a tiny percent of the budget that we are dealing with, but that tiny percent allows the American people to creat economic growth in a way that we have not seen in many, many years. And I do not know if the gentleman share those frustrations that I do.

Mr. HENSARLING. I obviously do share those frustrations, and I think they are basic tenets of economics that people on the other sides on the aisle forget. It has been a number of years, but I actually have a degree in economics from Texas A&M University.

I can state that, number one, government is not in the business of creating wealth. Government is in the business of redistributing wealth. People, hardworking American people who go out and save and risk and take chances and work hard and build businesses, those are the people who create wealth in our society. Those are the people who create jobs in our society.

Once again, it has been a few years since I have been in college, but I actually took a course in world economic history and in American economic history. I am unaware of any society that has ever taxed itself into prosperity. So apparently folks from the other side of the aisle must be reading different economic history text than I am. You cannot tax yourself into prosperity. And I might add for the benefit of those on the other side of the aisle, you cannot sue your way into prosperity either. That is their plan for America. It is a failed plan. It does not work.

Mr. PEARCE. The idea that you must know what you are trying to achieve from any set of taxes that you take is really obvious here. We were taking somewhat of a chance to go out and do the tax decreases, but it is working out the way that economists have said it would work out.

Our State, New Mexico, is leading the Nation, number two in job growth because our State legislature this year gave a tax cut, the Democrat Governor said we all know it, tax cuts cause jobs, tax cuts cause economic growth. But it also has taken some discipline. I do not know how many people are aware of it, but as we look at the corporate scandals, the President and the Justice Department have taken a leadership role. There are seven executives currently awaiting trial. There are four more who are already spending time in jail, including the ex-treasurer from Enron. The founder of ImClone is spending 7 years in jail, and 12 former executives from HealthSouth. The American people respond when government acts properly, when they request and require accountability on the part of not only their elected officials but also those people in business leadership positions.

So I salute the President in his plan for the economic recovery for this country. I salute the President in his willingness to ensure discipline in our corporate executives. I salute the gentleman from Florida (Mr. MARIO DIAZ-BALART) for hosting this discussion tonight.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman from New Mexico (Mr. PEARCE) for again his leadership. I think it is worth restating. We hear it time and time again all the rhetoric that, I hear it every day, Republicans are cutting taxes on the rich.

I think it is worth restating and the gentleman from Texas (Mr. HENSARLING) mentioned that some of the high-profile Democratic leaders around this country, some of them said they want to get rid of all the tax cuts they propose. I want to talk about what those were, what those are, what are some of those so-called rich people that the Democrats want to raise taxes on. And, again, if that were to happen, if they were to succeed, it would reinstate nine million low-income Americans back on the tax rolls. Those are low-income Americans that are now not paying Federal income taxes at all because of the previous tax cuts. It would reinstate the marriage penalty.

Again, I repeat, I guess they think only rich people get married. It is a wakeup call. Not only rich people get married.

□ 2200

It would cut in half the $1,000 per child tax credit. I am not going to comment on that.

It would raise taxes on education savings by 75 percent. It would eliminate the income tax deduction for paying for college tuition.

It would increase a double tax of dividends by as much as 62 percent. It would eliminate the small, I emphasize it would eliminate the small business expense again for small businesses.

It would reinstate the death tax, and it would eliminate the emergency tax relief to areas affected by the attacks of September 11, 2001.

That is what is at stake here. That is what we are talking about. Those are the tax cuts that before I got elected a majority of this Congress, Republicans, fought for, the President fought for and successfully got. That is why we have seen the economic growth. Those are the tax cuts that we better believe that I think the American people deserve, again, because I believe it is their money. It is their money. They have the right to keep a little bit more of their money, and if somebody thinks that those 9 million low income Americans who are now not paying Federal income tax are rich, they have the right to think so.

Like I repeat, the gentlewoman from California (Ms. PELOSI), who I respect, has the right to feel that we are not at war. I just respectfully say that they are wrong.

We do not have a lot of time, but I know that the gentleman from Texas (Mr. HENSARLING) wants to leave us with some last remarks.

Mr. HENSARLING. Madam Speaker, I thank the gentleman for yielding, but I think it is again important for the American people to know that President Bush's pro-growth economic policies are working. It is absolutely incredible to think that we have just had the greatest economic growth, the greatest quarterly economic growth in almost 20 years, to think that productivity has increased precipitously, to think that consumer spending on nondurables is up 7.9 percent, the best in a quarter century, that, as I said, productivity increased almost 4 percent during the first two-and-a-half years of this administration, the fastest pace of any presidency since JFK.

It is important that the American people know that shareholder wealth is up almost $3 trillion, an increase of 22 percent since October 2, where we are helping to rebuild nest eggs. There is so much great economic news that is out there, totally in contrast to what we heard from people on the other side of the aisle, who said that these were failed economic policies.

We need to do more work to create jobs, but the question is where do we go from here? I often feel as my colleagues follow the debate and I follow the debate, that Democrats seem to love jobs. They just hate the people who create them. They want to tax job creators. They want to regulate job creators. They want to sue job creators, and then they wonder where are all the jobs, and then they continue to want to engage in this class warfare which I just believe is so uncharacteristic of the American people.

I have held a lot of jobs in my life. I used to clean out chicken houses for a living. I used to bus tables for a living. I used to tote luggage at a hotel. I worked as an officer in a small business before. I have run my own company. Actually, for a short period, I actually practiced law, though I am trying to live that one down, but my point is, in all the jobs I have ever had, no poor person ever hired me. It was somebody who might have been poor once, but they went out and they worked hard, and they were allowed to accumulate capital. They were allowed to keep their earnings, and so they went out and they took a risk and they put a hamburger stand over here or a transmission shop over there or a new software company over here. That is the way that we grow the economy. That is the way that we are going to create jobs.

I am a former small businessman, and I know that one of the great challenges we face as small businesspeople is how do we acquire capital. We do not acquire capital from the Federal Government. When they take our money, we do not have capital to go out and create new businesses.

Another great challenge small business faces is in health care costs, and yet as we work to try to improve the quality of health care and bring the cost of health care down, the folks on the other side of the aisle have fought us every step of the way, particularly in reforming medical liability insurance. Lawsuit abuse is adding 15 percent to the cost of welfare, and we care about doctors and patients, and they care about trial lawyers, but every single step of the way, trying to create an energy practice to bring down the cost of energy, to help the economy move further and create more jobs, they have fought us every step of the way.

So I appreciate what the gentleman has done tonight to bring the facts to this great body and to the American people, and I thank my colleague for the opportunity to be a part of that.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I thank the gentleman. Again, he is absolutely right. The bottom line, the tax cuts are working. It is doing what our esteemed colleagues on the Democratic side said time and time again it would not happen, it would not work. It is working. Those tax cuts are working.

We mentioned who are receiving those tax cuts that so many want to repeal, and I also want to mention one last time their alternatives. Their alternative to the tax cut, their alternative to letting the American people keep a little more money that is working, their alternatives are what they propose, as I mentioned it before, to raise taxes 25 times. If we combine this chamber and the other chamber, 25 times to raise taxes. That is their alternative, and they also proposed alternatives to major legislation this year alone that would have added $890 billion to the deficit.

The good thing is, thank God in a democracy we have alternatives, and the majority of this House went along with the President's alternative. Cut taxes on the American people, cut taxes on small business, cut taxes on the hard-working taxpayer of the country. The results, alas, no big surprise, economy is rebounding. It is rebounding strongly.

So I am very grateful for the President's leadership.

INADEQUATE TREATMENT OUR TROOPS AND VETERANS ARE RECEIVING FROM THE ADMINISTRATION

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the minority leader.

Ms. WATERS. Mr. Speaker, I rise tonight to highlight the inadequate treatment our troops and our veterans are receiving from this administration.

In all there are 1.4 million men and women serving in the United States Armed Forces. Tens of thousands of these soldiers are serving overseas, 130,000 troops in Iraq, 8,500 troops in Afghanistan, 37,000 in South Korea and the list goes on and on.

Throughout their deployment, the men and women who serve in the United States Armed Forces have done so with honor and distinction. However, the Republican Congress and this administration often have not lived up to their part of the bargain.

While the Congress has approved massive increases in funding for the Department of Defense, our soldiers are deployed to Iraq without life-saving protective body armor, and many humvees were also poorly equipped, leaving our soldiers vulnerable to rocket-propelled grenades and other explosive devices. It was not until our soldiers began writing home asking their families to send them ceramic tiles so that they could make their own protective armor that the Pentagon finally woke up and said they would provide each soldier with Kevlar bulletproof vests.

It should never have come to this. If we are going to send our troops into battle, we must ensure that they have all the equipment they need. Unfortunately, the Republicans' record is grossly inadequate when it comes to helping our soldiers when they return from the battlefield.

While they have taken the long overdue step of providing funding in the emergency supplemental appropriations bill to cover the costs our soldiers have traveling home on rest and recuperation, they still leave many military families vulnerable by only extending the higher rates of imminent danger pay and family separation allowance for 1 year, no matter how long they serve. While the Republicans heeded the demands of Democrats and ended the shameful practice of requiring wounded soldiers to pay subsistence charges for each day they were in the hospital recovering from a combat injury, they continued to refuse to provide other essential relief to our veterans.

The Republicans still refuse to end the disabled veterans tax which prevents thousands of disabled veterans from receiving full retirement and disabled benefits.

In short, the Republicans believe that by waving the United States flag and making a few cosmetic changes, they can dress up a second rate record on issues that are important to our veterans and our troops.

Mr. Speaker, we have to acknowledge the existence of a problem before we can fix it. One news organization reported earlier this week that soldiers are being housed in outdated barracks, some even without indoor toilets, and forced to wait days, weeks or even months for treatment of medical problems, including injuries suffered in Iraq. Yet this administration seems unable to acknowledge the existence of the problem.

Mr. Speaker, the clearest illustration of the Republicans' poor record on veterans issue is when we examine the inadequate funding the Republicans have provided for the Department of Veterans Affairs. Every veteran has earned the health care, educational, disability and other benefits he or she was promised when they signed up for military service. However, they are rarely receiving these benefits in a timely manner.

The statistics are dreadful. There are approximately 60,000 veterans waiting 6 months or more to see a doctor. Some veterans die from their conditions before they are able to see a doctor, and for the past 2 years, an average of 14,000 disabled veterans have been waiting more than 15 months for their so-called expedited disability claims to be finalized.

This log jam will only get worse as those troops currently serving overseas return home. Yet instead of providing the necessary funding to alleviate these backlogs and help those who need it most, the Republicans are passing massive tax cuts to benefit those who need it least.

Mr. Speaker, the Republican record on veterans issues is not one that I would be happy to call my own. I am certainly grateful that I do not have to defend it.

During the fiscal year 2004 budget debate, the Republicans attempted to cut funding over the next 10 years for medical care and other appropriated veterans programs by $14.2 billion below current service levels and cut funding for mandatory veterans programs by $14.2 billion over 10 years. Later, despite publicity promising to include $3.2 billion for veterans health care, Republicans have only appropriated $1.4 billion for veterans health care, leaving a shortfall of $1.8 billion and thousands of veterans without necessary health care.

The Republicans have prevented Members from voting their conscience on the disabled veterans tax which unfairly taxes disabled veterans, $1 in retirement benefits for every $1 they receive in disability benefits. The Republicans even propose to increase prescription drug copayments and impose enrollment fees on veterans seeking to access health care, and despite there being an estimated 299,321 veterans who are homeless on any given night, funding which helps provide housing and job training for veterans is woefully short.

This record is in no way to repay the sacrifice our veterans have made on behalf of us.

Mr. Speaker, the Democrats have another way. We have crafted a bill that will not only honor the men and women serving in the Armed Forces today but also provide the benefits that veterans have earned and deserve.

H.R. 2569, the Democratic bill, would increase funding for VA health care by $10 billion over the next 10 years, expand access to health care for the National Guard and Reserves. It would completely and immediately end the disabled veterans tax. It would pay our veterans $500 a month when his or her disability claim has been left pending for longer than 6 months. For our troops currently fighting in Iraq and Afghanistan, our bill would give a $1,000 bonus for those soldiers returning home from Iraq and Afghanistan. Lastly, the Democrats would extend the child tax credit to the hundreds of thousands of military families left behind by the Bush tax cut.

Mr. Speaker, H.R. 2569 is a comprehensive bill that not only acknowledges the sacrifice our men and women in uniform make but also ensures that they are properly taken care of after they stop wearing the uniform.

□ 2215

This recognition is long overdue. Democrats are committed to doing all that we can to pass H.R. 2569. We will continue to put a spotlight on the enormous gap between Republican words and deeds on veterans and troop-support issues. Our troops and our veterans deserve no less.

Mr. Speaker, I know that it is not popular with this administration to talk about these issues. As a matter of fact, I am fully aware that the President of the United States basically tried to intimidate the news media by saying to them you are not reporting enough good news. And to prove that he was prepared to deal with them if they do not do it his way, he started to exclude the national media and go around them and deal with the regional media in order to teach them a lesson.

Well, Mr. Speaker, this President and this administration may not like the fact that some of us talk about what is really happening in Iraq and Afghanistan. He may not like the fact that the

news media is reporting the deaths of our soldiers, not only those deaths that are taking place in Iraq, but those deaths that are taking place in Afghanistan. And while there are those who do not want to have us talk about the fact that 15 of our soldiers were killed this past weekend, and in excess of 20 of them were wounded, and each day we continue to lose soldiers, one, two, three a day, they are being attacked and they are being picked off. Of course we are raising a lot of questions about the postwar planning, or lack thereof. We are asking this administration what were you thinking about.

Our soldiers are now in a situation that they have not been trained for. They do not know anything about Shiites and Sunnis. They do not understand the ethnic warfare between Shiites, Sunnis, and Kurds. They do not know the language; they do not understand the cultures. They were not trained to be involved in guerrilla warfare. We have to continue to talk about this because we have to force the protection that is needed.

I am not going to talk about Afghanistan; they just killed two of our CIA agents there. The poppy fields are flowing; the warlords are in control. Mr. Karzai, who we hand picked and sat down in Kabul, is not running anything. It is a joke, and we are paying a terrible price for the way we have not done our homework and done our planning in these two places alone.

Hopefully, even those wounded will return home. Hopefully, this administration will get its act together and they will provide the protection and do the strategic planning; they will do what they did not do, even when the President posted the sign ''Mission Accomplished.''

It is time for the untruths and the distortions to stop. I was shocked when the President, whom we saw under the banner of mission impossible when asked by the press denied that the White House had anything to do with it. Certainly the White House planned the entire event, but that is typical of the kind of untruths and misinformation coming out of this administration.

What is going to happen to those soldiers returning home, those soldiers who are wounded, those soldiers who have been separated from their families, those soldiers and reservists who will return without employment? Some will not even have homes to live in. We are talking about not only what is going on in Afghanistan and Iraq at this time, but we want to let you know, and hopefully they will be veterans returning to their respective towns and their cities, what will be there for them? Will they, too, have to wait in long lines to get the health care that they need? Many of them will need follow-up health care as a result of the wounds that they are receiving now in Iraq. What is going to happen to them when they discover that they will not get the retirement benefits they thought were coming to them because of the way this administration refused to fund it?

Well, we raise these questions no matter how unpopular they are. It is our duty and our responsibility as representatives elected to represent all of the people to be in the forefront of the issues for our veterans. If we cannot stand up for our veterans, we cannot stand up for anybody or anything.

Mr. Speaker, I yield to the gentlewoman from Georgia (Ms. MAJETTE) as she continues our discussion in support of our veterans.

Ms. MAJETTE. Mr. Speaker, I thank the gentlewoman for yielding.

As we approach Veterans' Day, we pause to recall the noble service and the high sacrifices of those who have worn the uniform of our Nation. On this day of remembrance, we will rededicate ourselves to those who have dedicated themselves to us. I thank each and every man and woman who has served in every branch of our military. I thank you soldiers for your courage, your character, your strength, and the enduring power of your example.

Threatened by terrorists who seek to destroy our way of life, Americans are appreciating anew the blessings of liberty we cherish as well as the heroes who fight, and often die, so we can live in freedom.

None have paid a higher price and sacrifice more for our freedom than have our veterans. It is time for us in Congress to learn from them. We must now stand in solidarity like our brave protectors and act to end the lamentable neglect that is our crisis in veterans health care. Every American owes them a debt of gratitude that words cannot repay. And yet our veterans have received more good words than good deeds from this administration.

In January, our President stated that the medical care received by our troops is comforting to him. He stated that our troops deserve only the best care, and yet that same day the administration announced that it was cutting off health care access for approximately 164,000 veterans.

The President has said that he wants only the best housing for our military families, yet this administration's 2004 budget proposes a $1.5 billion reduction in funds for military housing, a 14 percent cut that affects family housing, barracks, child care centers, schools, hangars, and office buildings.

The President vowed to pass fair, balanced historic tax relief for the American people. Instead, the administration's tax cut denies child tax credits for 1 million children in military and veteran families. According to the Children's Defense Fund, more than 260,000 of these children have parents on active military duty.

House Republicans promised increased veterans funding for 2004. We have now passed all 13 appropriations bills in the House, and the actual funding provided for veterans programs in the House-passed appropriations bills is $28.1 billion, the same level contained in the President's budget. So far the House Republicans have not delivered one dime of the $1.8 billion increase above the President's budget that they called for in their budget resolution.

In a time of war, as we take care of those who defend our country today, we must fulfill our debt to those who have defended us in the past. In my State of Georgia alone, we have over 752,000 veterans who have sacrificed for our State and country. I refuse to merely say I appreciate their sacrifice. Congress must back up our words with deeds. It is our obligation.

The politicians will be eager on Veterans' Day to stand on podiums with decorated soldiers, veterans who have given of themselves for our Nation, and they will give honor to those soldiers. These public figures will declare solidarity with them and speak of the great appreciation for their willingness to sacrifice for the freedom of others. But on those other days, on those days that are not Veterans' Day, what will happen then?

As a Nation, we have a sacred pact with all of those who served in uniform. Veterans and their families have taken care of us. In return, we must take care of them.

They understand that freedom is not free. And so, Mr. Speaker, must we.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman for taking time from her schedule and being here at this hour to talk about her commitment for our veterans and the way that all Americans should feel about our veterans. Certainly the manner in which she has spoken really should give those on the opposite side of the aisle cause to revisit the way in which they can represent our veterans.

I would like to take a moment and reiterate, H.R. 2569, the Democratic bill, would increase funding for VA health care by $10 billion over the next 10 years, expand access to health care for the National Guard and Reserves. It would completely and immediately end the disabled veterans tax; it would pay a veteran $500 a month when his or her disability claim has been left pending for longer than 6 months. For our troops currently fighting in Iraq and Afghanistan, our bill would give a $1,000 bonus for those soldiers returning home from Iraq and Afghanistan. Lastly, the Democrats would extend the child tax credit to the hundreds of thousands of military families left behind by the Bush tax cut. I repeat that because I think it is important for the American people to know there is an alternative. No one can say that they did not have something that they could vote for to correct the inadequacies of the funding for our veterans.

Mr. Speaker, this past weekend when 15 soldiers were killed and over 20 were wounded, I watched as Mr. Rumsfeld and others attempted to respond to the press's questions about what had happened and what did they plan to do. I

sat in horror as I watched Mr. Rumsfeld say, I am sorry about what happened; I think this is a critical time for our American families who have soldiers who have been killed, but this is war and we should expect that people are going to lose their lives in war. We are going to be in Iraq for a long time, and I am paraphrasing what he said, and we are not going to cut and run. These are the words that Mr. Rumsfeld and the President of the United States were using: we are not going to cut and run.

Mr. Speaker, it is easy to talk about making sacrifices when it is somebody else's child. I guess it is pretty easy to talk about we should expect that people are going to die. I am never comfortable with that kind of talk. I am never comfortable with the fact that any leader would try and sanitize the trauma of the death of our soldiers and speak about it in such a way.

Mr. Speaker, we are aware that we do not see our soldiers' bodies being brought home. There are those who are saying that we do not see the bodies coming in because there is a plot and a plan by this administration to keep it out of public view, to not have the body bags returning in a way that Americans will focus on it.

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Mr. Speaker, I am here to say that this administration can attempt to hide or to deny, to not allow the ceremonies to take place in honor of our soldiers as we have done in the past, but that is only going to anger the American public. Americans will not take kindly to dismissing the deaths of our soldiers. They will not take kindly to any attempts to change the protocol that we had gotten used to when we could, for a moment, stop and focus on the fact that lives had been lost and provide a ceremony in honor of them for all of the American public to see.

Mr. Speaker, while I am here talking about veterans, and I am trying to make the connection between how we can do better by those in Iraq than we are doing by those who have already served long before them, whether it was in the Vietnam War, whether it was in Desert Storm, whether it was in World War II, I am anxious to send a message this evening, and that message is that the people of this country want to see this administration and the Members of this Congress do better by our soldiers and our veterans. I am hopeful that we will not have to see our American people become so angry that they embarrass this administration and this President by demanding that we get the truth, that we understand exactly what is happening, that our soldiers are taken care of, that they are brought back in the traditional ceremonies that we have gotten used to. I want Mr. Rumsfeld and the President of the United States to look the press in the eye and show that they are truly sorry for the deaths that are being caused. I do not wish our leaders, whether it is the President or Mr. Rumsfeld, to just say in so many words: Get used to it. The sacrifices have to be made, that this is what war is all about and this is what we are going to be experiencing for some time to come.

Again, these are not the kind of words that people want to hear. This is not the kind of truth that the administration would like to confront. But as a Member of Congress, elected by the people to represent, I take this time leading up to Veterans Day to not only talk about our soldiers in Iraq but to say over and over again, we can do better by our veterans. We must do better by our veterans. Again, as it was said by the gentlewoman from Georgia, on Veterans Day, Members of Congress and leaders all across this country will be going to ceremonies. They will be at the veterans hospitals. They will be at the various VFW posts. They will be in places where veterans are. And they will talk about how they honor the sacrifices that our veterans have made. But what they will not talk about is what are we going to do to get the homeless veterans off the street? What are we going to do to create more cemetery space for our veterans? What are we going to do to reduce the long waiting times and the long waiting periods that our veterans are experiencing at our VA hospitals?

But, Mr. Speaker, I am hopeful because of the Democrats, because of our bill, because we are saying what is possible, and we have laid it out in a very clear and concise way, that the veterans themselves in the middle of these ceremonies will look the Members of Congress and others in the eye and instead of allowing them to get away with the ceremonial side of this, will ask about the substantive side of the public policy issues and say: What are you doing to protect us or to provide services for us, to make sure that you respect the investments that we have made.

Mr. BISHOP of Georgia. Mr. Speaker, when the Nation observes Veterans' Day, our collective purpose is to thank the men and women who have faithfully worn the uniform of the country's armed services for the service and sacrifice that has kept us strong and free.

But I think we should thank veterans for something else, as well.

In addition to their service in the military, we should also express the Nation's gratitude for the unshakeable foundation of patriotic citizenship that veterans have always provided in civilian life—and that the country cannot do without, especially during times of peril such as these.

Veterans never stop fighting for a free and secure country.

They have fought for a strong defense and strong foreign policy. They have fought for integrity and responsibility in government. They have fought to protect the U.S. flag and all it represents, including the respect we owe to those who have paid the price for freedom. They have fought for the benefits veterans have earned and deserve, including disability benefits for those who have suffered permanent injuries in military service. They have fought for the American ideal of freedom and justice for all.

Those of us who serve in Congress should thank veterans not only by making speeches, but also by rolling up our sleeves and addressing the critical unmet needs of our veterans' population.

We need to act on long-pending ''concurrent receipt'' legislation so that we no longer deny disability payments to military retirees. Last year, Congress provided some new benefits to disabled retirees in lieu of concurrent receipt. But many disabled veterans still do not believe equity has been achieved. There is nothing that justifies a denial of these benefits to any eligible veteran, and Congress should correct this wrong right now.

We need to improve the veterans' health care system so that we no longer have a backlog of more than 100,000 veterans who are waiting six months or more to receive the care they need. Some veterans are waiting up to a year or more. This means many are getting sicker while they wait, and I fear some are not making it. This is intolerable.

We need the most cost-effective system possible, and I have no quarrel with the concept of the Veterans' Administration's Capital Asset Realignment for Enhanced Services program. But we need to make sure that any reorganization does not end up downsizing or eliminating facilities that veterans need, thereby reducing access even more.

We need a VA budget that meets the needs—not one that falls below the new fiscal year's authorization by $1.8 billion and barely keeps pace with inflation. I believe we need to cut taxes to stimulate the economy and provide relief to middle and lower income working Americans, but we do not need to provide an average tax cut of $88,326 to Americans earnings more than $1 million a year when we could trim that amount by just a few thousand dollars and save enough revenue to take care of some of our critical needs.

We need to fulfill the country's promise to our fellow Americans who have devoted a substantial part of their lives in defense of the country, many putting their lives on the line.

We live in difficult and dangerous times.

But we should be confident about the country'a ability to meet the grave challenges we face.

As long as we have people in our country who stand ready to make whatever effort and sacrifice is necessary, we should be confident that our Nation has what it takes to defeat the forces that would do us harm and that we will succeed in advancing the cause of freedom for our generation and for generations to come.

As our veterans demonstrate every day, patriotism is alive and well.

And that should give us all hope for the future.

As we celebrate Veterans' Day, 2003, let us say to all of the Nation's 25.1 million veterans: ''We thank you, we support you, we need you, and may God bless you for keeping the country free and strong.''

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. PEARCE). Is there objection to the request of the gentlewoman from California?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. REYES (at the request of Ms. PELOSI) for today and the balance of the week on account of official business in the district.

Mr. TURNER of Texas (at the request of Ms. PELOSI) for today on account of attending a funeral.

Mr. BOEHLERT (at the request of Mr. DELAY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. MARIO DIAZ-BALART of Florida) to revise and extend their remarks and include extraneous material:)

Mr. MURPHY, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, November 6.

Mr. MCCOTTER, for 5 minutes, November 6.

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. 1132. An act to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, and for other purposes; to the Committee on Veterans' Affairs; in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1720. An act to provide for Federal court proceedings in Plano, Texas; to the Committee on the Judiciary.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, November 6, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5061. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-6 Series Turbofan Engines [Docket No. 2002-NE-24-AD; Amendment 39-13144; AD 2003-10-01] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5062. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 350B3, SA-365N, N1, AS-365N3, and EC 155B Helicopters [Docket No. 2002-SW-17-AD; Amendment 39-13330; AD 2003-20-12] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5063. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Beatrice, NE [Docket No. FAA-2003-15461; Airspace Docket No. 03-ACE-59] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5064. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wayne, NE [Docket No. FAA-2003-15718; Airspace Docket No. 03-ACE-60] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5065. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135P1, P2, T1, and T2 Helicopters [Docket No. 2003-SW-08-AD; Amendment 39-13329; AD 2003-20-11] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5066. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lee's Summit, MO [Docket No. FAA-2003-15722; Airspace Docket No. 03-ACE-64] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5067. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes Equipped With Certain Pratt & Whitney PW306B Engines Nacelles [Docket No. 2001-NM-319-AD; Amendment 39-13320; AD 2003-20-02] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5068. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Aurora, MO [Docket No. FAA-2003-15460; Airspace Docket No. 03-ACE-58] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5069. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1, -3B, and -3B1 Turbofan Engines [Docket No. 2001-NE-21-AD; Amendment 39-13337; AD 2003-05-10R1] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5070. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Meade, KS [Docket No. FAA-2003-15723; Airspace Docket No. 03-ACE-65] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5071. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sullivan, MO [Docket No. FAA-2003-15721; Airspace Docket No. 03-ACE-63] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5072. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS Aircraft Ltd. Model PC-7 Airplanes [Docket No. 2003-CE-29-AD; Amendment 39-13323; AD 2003-20-05] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5073. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Centerville, IA [Docket No. FAA-2003-15724; Airspace Docket No. 03-ACE-66] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5074. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Models PW118, PW120, PW120A, and PW121 Turboprop Engines [Docket No. 2003-NE-11-AD; Amendment 39-13338; AD 2003-21-03] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5075. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2003-NM-64-AD; Amendment 39-13132; AD 2003-09-03] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5076. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Univair Aircraft Corporation Models Alon A-2 and A2-A; ERCO 415-C, 415-CD, 415-D, 415-E, and 415-G; Forney F-1 and F-1A; and Mooney M10 Airplanes [Docket No. 2002-CE-58-AD; Amendment 39-13335; AD 2003-21-01] (RIN: 2120-AA64)

received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5077. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company 90, 100, and 200 Series Airplanes [Docket No. 2002-CE-45-AD; Amendment 39-13218; AD 2003-13-16] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5078. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30379; Amdt. No. 3068] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5079. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30378; Amdt. No. 3067] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5080. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombadier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-143AD; Amendment 39-13321; AD 2003-20-03] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5081. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2001-NM-372-AD; Amendment 39-13322; AD 2003-20-04] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5082. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-400, -500, -600, -700, and -800 Series Airplanes [Docket No. 2001-NM-326-AD; Amendment 39-13331; AD 2003-20-13] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5083. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747SP, 747SR, 747-100, 747-200, and 747-300 Series Airplanes; Equipped with Pratt & Whitney Model JT9D-3, -7, and -7Q Series Engines and Model JT9D-7R4G2 Engines [Docket No. 99-NM-67-AD; Amendment 39-13334; AD 2003-20-16] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5084. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Igiugig, AK [Docket No. FAA-2003-14856; Airspace Docket No. 03-AAL-06] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5085. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nelson Lagoon, AK [Docket No. FAA-2003-14854; Airspace Docket No. 03-AAL-05] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5086. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Pilot Point, AK [Docket No. FAA-2003-14855; Airspace Docket No. 03-AAL-04] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5087. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Seward, NE [Docket No. FAA-2003-15719; Airspace Docket No. 03-ACE-61] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5088. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Jet Routes; Baton Rouge, LA [Docket No. FAA-2003-14368; Airspace Docket No. ASD-02-ASW-4] (RIN: 2120-AA66) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5089. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Minor Revision of the Legal Description of VOR Federal Airway V-167 in the Vicinity of Hyannis, MA [Docket No. FAA-2003-15492; Airspace Docket No. 03-ANE-102] (RIN: 2120-AA66) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5090. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes [Docket No. 2001-NM-184-AD; Amendment 39-13336; AD 2003-21-02] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5091. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cedar Rapids, IA [Docket No. FAA-2003-15074; Airspace Docket No. 03-ACE-42] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5092. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airways in the Vicinity of Tuscaloosa, AL [Docket No. FAA-2002-13849; Airspace Docket No. 02-ASO-24] (RIN: 2120-AA66) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5093. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines; Correction [Docket No. 2000-NE-47-AD; Amendment 39-13318; AD 2003-19-15] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5094. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation By Reference [Docket No. 29334; Amendment No. 71-35] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5095. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-200 Series Airplanes [Docket No. 2003-NM-48-AD; Amendment 39-13332; AD 2003-20-14] (RIN: 2120-AA64) received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5096. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30367; Amdt. No. 3057] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5097. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30368; Amdt. No. 3058] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5098. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30386; Amdt. No. 3074] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5099. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cedar Rapids, IA [Docket No. FAA-2003-15074; Airspace Docket No. 03-ACE-42] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5100. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fort Leonard Wood, MO [Docket No. FAA-2003-14658; Airspace Docket No. 03-ACE-27] received October 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JOHN:

H.R. 3440. A bill to prohibit the Secretary of Veterans Affairs from taking any action to implement any recommendation of the Department of Veterans Affairs Capital Asset Realignment for Enhanced Services (CARES) Commission during the one-year period beginning on the date of the submission of the commission's recommendations to the Secretary; to the Committee on Veterans' Affairs.

By Mr. SHAYS (for himself and Mrs. EMERSON):

H.R. 3441. A bill to amend the Richard B. Russell National School Lunch Act to phase out reduced price lunches and breakfasts by phasing in an increase in the income eligibility guidelines for free lunches and breakfasts; to the Committee on Education and the Workforce.

By Mrs. NAPOLITANO (for herself and Mr. MURPHY):

H.R. 3442. A bill to amend title 38, United States Code, to enhance the rehabilitative services provided by the Department of Veterans Affairs to veterans with mental illnesses and other veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DELAHUNT:

H.R. 3443. A bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. WAXMAN, Mr. BROWN of Ohio, Ms. ESHOO, Mr. EMANUEL, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, and Mr. OWENS):

H.R. 3444. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that consumers receive information about the nutritional content of restaurant foods; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 3445. A bill to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada; to the Committee on Resources.

By Mr. HINCHEY (for himself and Mr. BASS):

H.R. 3446. A bill to provide for the protection of the last remaining herd of wild and genetically pure American buffalo; to the Committee on Resources.

By Mr. MENENDEZ (for himself, Mr. BALLENGER, Mr. DELAHUNT, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. WELLER, Mr. ACKERMAN, Ms. HARRIS, Mr. FALEOMAVAEGA, Mr. PAYNE, Mr. CROWLEY, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Mr. REYES, Mr. GUTIERREZ, Mr. ORTIZ, Ms. ROYBAL-ALLARD, Mr. GONZALEZ, Ms. SOLIS, Mr. ACEVEDO-VILA, Mr. BERMAN, and Mr. HASTINGS of Florida):

H.R. 3447. A bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on International Relations, and in addition to the Committee on 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. MICHAUD:

H.R. 3448. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3449. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

By Mr. WU (for himself, Ms. LINDA T. SANCHEZ of California, Mr. MCDERMOTT, Mr. GREEN of Texas, Mr. PASTOR, Mr. PASCRELL, Ms. MILLENDER-MCDONALD, Mr. ETHERIDGE, Mr. WAXMAN, Mr. FALEOMAVAEGA, Mr. FROST, Mr. WEXLER, Ms. MCCOLLUM, Ms. NORTON, Mr. SERRANO, Mr. BROWN of Ohio, Mr. STARK, Mr. PAYNE, Mr. MEEKS of New York, Mr. OWENS, and Mr. KUCINICH):

H.R. 3450. A bill to amend the Elementary and Secondary Education Act of 1965 to reduce class size through the use of fully qualified teachers, and for other purposes; to the Committee on Education and the Workforce.

By Ms. WATERS (for herself, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. ACEVEDO-VILA, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. DEUTSCH, Mr. FROST, Mr. PAYNE, Ms. NORTON, Mrs. JONES of Ohio, Mr. CLYBURN, Mr. LEWIS of Georgia, Mr. GREEN of Texas, Mr. OWENS, and Mr. BERMAN):

H.R. 3451. A bill to amend the Public Health Service Act to authorize grants for treatment and support services for Alzheimer's patients and their families; to the Committee on Energy and Commerce.

By Mr. SERRANO (for himself, Mr. GUTIERREZ, Ms. VELAZQUEZ, and Mr. ACEVEDO-VILA):

H. Res. 433. A resolution honoring the life and legacy of Luis A. Ferre; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to the public bills and resolutions as follows:

H.R. 207: Mr. HEFLEY.
H.R. 303: Ms. HARMAN.
H.R. 333: Mr. FRANK of Massachusetts.
H.R. 348: Mr. BALLANCE.
H.R. 486: Mr. CANTOR, Mrs. MYRICK, Mr. FERGUSON, and Mr. BARRETT of South Carolina.
H.R. 627: Mr. BALLANCE.
H.R. 713: Mr. UDALL of Colorado.
H.R. 737: Mr. PETERSON of Minnesota.
H.R. 742: Ms. SLAUGHTER.
H.R. 785: Mr. WAMP and Ms. MILLENDER-MCDONALD.
H.R. 792: Mrs. LOWEY.
H.R. 819: Mr. PAYNE.
H.R. 834: Mr. CRAMER and Mr. BERRY.
H.R. 852: Mr. JACKSON of Illinois and Ms. MCCOLLUM.
H.R. 876: Mr. SMITH of Michigan, Mr. SIMMONS, Mr. TERRY, Mr. HOEKSTRA, and Mr. STRICKLAND.
H.R. 882: Mr. PAYNE and Mr. SHUSTER.
H.R. 927: Mr. KING of Iowa.
H.R. 936: Mr. RODRIGUEZ.
H.R. 970: Mr. FRANK of Massachusetts.
H.R. 977: Mr. KIND.
H.R. 992: Mr. WELDON of Florida.
H.R. 993: Mr. WELDON of Florida.
H.R. 994: Mr. WELDON of Florida.
H.R. 998: Ms. WATERS.
H.R. 1031: Ms. HARRIS and Mr. JEFFERSON.
H.R. 1083: Mr. KIND.
H.R. 1117: Mr. ISTOOK, Mr. BURGESS, Mr. BOOZMAN, and Mr. DUNCAN.
H.R. 1125: Mr. BISHOP of Georgia and Mr. MEEK of Florida.
H.R. 1155: Mr. MCINNIS and Mr. COSTELLO.
H.R. 1212: Mr. PETERSON of Minnesota.
H.R. 1229: Mr. BRADY of Texas.
H.R. 1267: Mrs. TAUSCHER.
H.R. 1279: Mr. KING of Iowa.
H.R. 1322: Mr. LAMPSON, Mrs. NAPOLITANO, and Ms. PELOSI.
H.R. 1374: Mr. PETERSON of Minnesota.
H.R. 1434: Mrs. JONES of Ohio, Mr. GRIJALVA, Ms. NORTON, Mr. ACEVEDO-VILA, Mr. DAVIS of Illinois, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. MCNULTY, Mr. FRANK of Massachusetts, Mr. CUMMINGS, Ms. WATSON, Mr. CAPUANO, Mr. DAVIS of Alabama, Mr. KUCINICH, Mr. GONZALEZ, and Mr. FILNER.
H.R. 1532: Mr. FRANKS of Arizona, Mr. HASTINGS of Florida, Mrs. DAVIS of California, and Mr. PALLONE.
H.R. 1534: Mr. SERRANO and Mr. SANDERS.
H.R. 1634: Mr. DICKS.
H.R. 1653: Mr. WELDON of Florida.
H.R. 1676: Mrs. BIGGERT.
H.R. 1700: Mr. CAPUANO and Ms. MILLENDER-MCDONALD.
H.R. 1708: Mr. VITTER and Mr. PETERSON of Minnesota.
H.R. 1713: Mr. PETERSON of Minnesota.
H.R. 1746: Mr. BISHOP of Georgia.
H.R. 1824: Mr. HOEKSTRA, Mr. HYDE, and Mr. FOLEY.
H.R. 1910: Ms. WATSON.
H.R. 1914: Mr. BURR, Mr. COBLE, Ms. DUNN, Mr. GIBBONS, Ms. GRANGER, Mr. HOUGHTON, Mr. LEACH, and Mr. SMITH of New Jersey.
H.R. 1919: Mr. GUTIERREZ and Ms. WATERS.
H.R. 1958: Mr. WU.
H.R. 2068: Mr. STRICKLAND, Mr. JACKSON of Illinois, Mr. GORDON, and Mr. TOWNS.
H.R. 2069: Ms. HOOLEY of Oregon, Mr. JACKSON of Illinois, Mr. GORDON, and Mr. TOWNS.
H.R. 2154: Mr. DEFAZIO.
H.R. 2239: Mr. LARSEN of Washington, Mr. BOUCHER, Mr. STARK, and Mr. JEFFERSON.
H.R. 2262: Mr. BRADY of Pennsylvania, Mr. SERRANO, and Mr. EMANUEL.
H.R. 2347: Mr. EHLERS.
H.R. 2365: Mr. STUPAK.
H.R. 2490: Mrs. TAUSCHER.
H.R. 2491: Mr. SMITH of Michigan.
H.R. 2527: Mr. ANDREWS.
H.R. 2635: Mr. BAKER.
H.R. 2674: Mr. LANTOS.
H.R. 2702: Mr. DEFAZIO.
H.R. 2704: Mr. FOSSELLA.
H.R. 2707: Mrs. CUBIN.
H.R. 2711: Mr. HEFLEY and Mr. EMANUEL.
H.R. 2719: Mr. KUCINICH, Mr. BOEHLERT, Mr. LUCAS of Kentucky, and Mr. MURPHY.
H.R. 2720: Mr. CAMP, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. HILL, and Mr. HINCHEY.
H.R. 2727: Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Mr. KENNEDY of Rhode Island, Mr. SERRANO, Mr. ALLEN, Mr. MENENDEZ, Mr. EMANUEL, Mr. UDALL of Colorado, Mrs. MCCARTHY of New York, Mr. RUSH, Mr. CLAY, Mr. EVANS, Ms. BERKLEY, and Ms. CARSON of Indiana.
H.R. 2787: Ms. SLAUGHTER.
H.R. 2807: Mr. RODRIGUEZ.
H.R. 2823: Mrs. JOHNSON of Connecticut.
H.R. 2824: Mr. GERLACH.
H.R. 2833: Mr. JACKSON of Illinois, Mr. DUNCAN, Mr. WATT, Mr. SCOTT of Georgia, Ms. BORDALLO, Ms. MCCOLLUM, Ms. ROYBAL-ALLARD, and Ms. DELAURO.
H.R. 2839: Ms. ROS-LEHTINEN and Mr. BOEHLERT.
H.R. 2849: Mr. DEFAZIO.
H.R. 2853: Mr. KUCINICH.
H.R. 2864: Mrs. MUSGRAVE and Mr. CULBERSON.
H.R. 2890: Mr. NETHERCUTT.
H.R. 2924: Mr. REHBERG.
H.R. 2932: Mr. RYAN of Ohio.
H.R. 2945: Mr. NEAL of Massachusetts.
H.R. 2949: Mr. WOLF, Mr. TOWNS, Mr. PITTS, and Mr. WEXLER.
H.R. 2957: Mr. WALDEN of Oregon.
H.R. 3003: Mr. KING of New York.
H.R. 3057: Mr. OWENS.
H.R. 3058: Mr. QUINN.
H.R. 3063: Mr. RYAN of Ohio.
H.R. 3079: Mr. GREEN of Wisconsin and Mr. GOSS.
H.R. 3109: Mr. SHAW, Mr. GUTIERREZ, Ms. DUNN, Ms. HARRIS, Mr. MCINNIS, and Mr. TOWNS.
H.R. 3119: Mrs. BLACKBURN, Ms. BERKLEY, Mr. LIPINSKI, Mr. GILCHREST, and Mr. KING of Iowa.
H.R. 3122: Mr. SHIMKUS.
H.R. 3123: Mr. KUCINICH and Mr. GUTIERREZ.
H.R. 3125: Mr. SANDLIN.
H.R. 3127: Mr. MCNULTY, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Ms. ROS-LEHTINEN, and Mr. SCHIFF.
H.R. 3178: Mr. FORBES, Mr. SHAW, Mr. KUCINICH, Mr. UDALL of Colorado, Mr. BARTON of Texas, Mr. OLVER, Mr. MCINTYRE, Mr. TURNER of Texas, and Mr. JACKSON of Illinois.

H.R. 3184: Mr. PUTNAM.

H.R. 3204: Mr. KUCINICH, Mr. MARKEY, Mr. MURPHY, and Mr. PETERSON of Pennsylvania.

H.R. 3225: Mr. LUCAS of Kentucky.

H.R. 3226: Mr. KUCINICH.

H.R. 3242: Ms. WOOLSEY, Mr. LEWIS of Kentucky, Ms. MCCOLLUM, Mrs. MUSGRAVE, Mr. BEAUPREZ, and Mr. UDALL of Colorado.

H.R. 3244: Mrs. LOWEY and Mr. BALLANCE.

H.R. 3251: Mr. KUCINICH.

H.R. 3257: Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, and Mr. GILLMOR.

H.R. 3266: Mr. BRADY of Texas.

H.R. 3271: Mr. OWENS.

H.R. 3276: Mr. OWENS.

H.R. 3277: Mr. HAYWORTH, Mr. STARK, Ms. ROS-LEHTINEN, Mr. JEFFERSON, and Mr. RODRIGUEZ.

H.R. 3281: Mr. KUCINICH, Mr. VAN HOLLEN, and Ms. WOOLSEY.

H.R. 3292: Ms. HARRIS, Mr. WAXMAN, and Mr. SHIMKUS.

H.R. 3318: Mr. NEUGEBAUER.

H.R. 3323: Ms. ESHOO.

H.R. 3344: Mr. GUTIERREZ, Mr. HOLDEN, Mr. GREEN of Wisconsin, Mrs. JONES of Ohio, Mr. KIND, and Ms. JACKSON-LEE of Texas.

H.R. 3352: Ms. WOOLSEY, Mr. TIERNEY, and Ms. HOOLEY of Oregon.

H.R. 3369: Mr. REHBERG.

H.R. 3371: Mr. GRIJALVA and Mr. KUCINICH.

H.R. 3385: Mr. GARRETT of New Jersey, Mr. FEENEY, Ms. ROS-LEHTINEN, Mr. JENKINS, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 3386: Mr. CLYBURN, Ms. WATERS, Mr. KUCINICH, Mr. SERRANO, and Mr. MEEK of Florida.

H.R. 3403: Mr. MORAN of Kansas and Mr. BILIRAKIS.

H.R. 3416: Ms. NORTON.

H.R. 3422: Mr. CLYBURN, Mr. KUCINICH, Ms. WATERS, and Mr. MATSUI.

H.J. Res. 22: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 83: Mr. LANTOS.

H. Con. Res. 247: Ms. WOOLSEY.

H. Con. Res. 285: Mr. SCHIFF.

H. Con. Res. 298: Mr. SCOTT of Georgia, Mr. COLE, and Mr. MARSHALL.

H. Con. Res. 299: Mr. DREIER, Mr. HONDA, Mr. FROST, Mr. HASTINGS of Florida, Mr. RUPPERSBERGER, Mr. CARDIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of California, Mr. LEWIS of California, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. BERMAN, Mr. SCHIFF, Mr. UPTON, Mr. MCNULTY, Mr. CALVERT, Mr. TOWNS, Mrs. MALONEY, Mr. VAN HOLLEN, Mr. CUMMINGS, Mr. MCGOVERN, Ms. NORTON, Mrs. CHRISTENSEN, Mr. WYNN, Mr. BISHOP of New York, Mr. MARKEY, Mr. BISHOP of Georgia, Ms. WATSON, Mr. WAXMAN, Mr. GREENWOOD, Mr. KOLBE, Ms. DUNN, Mr. EHLERS, Ms. PELOSI, Mr. CASTLE, Mr. LINDER, Ms. LEE, Mr. SOUDER, Mr. GEORGE MILLER of California, and Mr. EMANUEL.

H. Con. Res. 307: Mr. SCHROCK, Mr. SCHIFF, Mr. LAHOOD, and Mr. NUNES.

H. Con. Res. 310: Mr. ROGERS of Alabama and Mr. BONNER.

H. Con. Res. 311: Mr. WILSON of South Carolina and Mr. BERMAN.

H. Con. Res. 312: Mr. FILNER, Mr. MCHUGH, and Mr. FROST.

H. Con. Res. 315: Ms. KAPTUR and Mr. ENGEL.

H. Res. 261: Mrs. CHRISTENSEN.

H. Res. 268: Mr. ROHRABACHER, Mr. RANGEL, Mr. BERMAN, and Ms. BORDALLO.

H. Res. 313: Mr. RANGEL.

H. Res. 320: Mr. SCHIFF.

H. Res. 371: Mr. PITTS, Ms. MCCOLLUM, and Mrs. JO ANN DAVIS of Virginia.

H. Res. 389: Mrs. MCCARTHY of New York, Mr. MOORE, Ms. LEE, Ms. CARSON of Indiana, Mr. MCDERMOTT, Mr. SHIMKUS, Mr. FROST, Mr. BAIRD, Mr. CUMMINGS, Mr. RANGEL, Ms. NORTON, Mr. WYNN, Mr. BISHOP of Georgia, Ms. KILPATRICK, Mr. TOWNS, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mr. THOMPSON of Mississippi, Mr. CLAY, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. WATERS, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. KAPTUR, Mr. CRAMER, Mr. BONNER, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. BALLANCE, Mr. UPTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. CLYBURN, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mr. RUSH, Ms. MAJETTE, Mr. FORD, Ms. WATSON, Ms. SLAUGHTER, Mr. ROGERS of Alabama, Mr. WATT, and Mr. DAVIS of Illinois.

H. Res. 390: Mr. REYNOLDS, Mr. GALLEGLY, and Ms. LEE.

H. Res. 410: Mr. PAYNE.

H. Res. 420: Mr. HASTINGS of Florida, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Ms. CARSON of Indiana, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mr. SERRANO, Mr. OBERSTAR, and Mr. GRIJALVA.

H. Res. 423: Mr. GOODLATTE, Mr. SNYDER, Mr. TAYLOR of North Carolina, Mr. HOSTETTLER, Mr. GALLEGLY, Mr. FORBES, Mr. GARRETT of New Jersey, Mr. ETHERIDGE, and Mr. BARRETT of South Carolina.

H. Res. 425: Mr. GIBBONS.

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. 2366: Mr. DOOLEY of California.

H.R. 3308: Mr. RODRIGUEZ.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1829

OFFERED BY: MR. GREEN OF WISCONSIN

AMENDMENT NO. 7: Page 21, strike line 21 and all that follows through page 22, line 3, and insert the following:

(3) If the Attorney General finds a significant risk of adverse effects on either safe prison management or public safety, he shall so advise the Congress before the end of the fiscal year in which the finding is made, and such finding shall serve to postpone for one year any further percentage limitation under subsection (e)(1).

(4) Any percentage limitation postponed under paragraph (3) shall take effect in the fiscal year immediately following the fiscal year for which it is postponed, if not later than 60 days before the first day of such following fiscal year the Attorney General makes a determination under paragraph (2)—

(A) that such limitation is not likely to result in a substantial reduction in inmate industrial employment; or

(B) that any such reduction will not present a significant risk of adverse effects on safe prison operation or public safety.

H.R. 1829

OFFERED BY: MR. GREEN OF WISCONSIN

AMENDMENT NO. 8: Strike all after the enacting clause and insert the following:

SECTION 1. GENERAL ACCOUNTING OFFICE STUDY ON FEDERAL PRISON INDUSTRIES.

(a) REQUIREMENT.—The Comptroller General shall conduct a study of the effects of eliminating the mandatory source requirements for Federal Prison Industries (as specified in section 4124 of title 18, United States Code). The study shall consider the effects on prison operations, public safety, inmate employment, public and private sector employment, and any other matters the Comptroller General considers relevant.

(b) REPORT.—Not later than April 30, 2004, the Comptroller General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the results of the study required by subsection (a).