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House of Representatives

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003.

Ms. HOOLEY of Oregon. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the prescription drug bill.

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 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.

GENERAL LEAVE

Mr. HOBSON. 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. 2754, Energy and Water Development Appropriations Act, 2004, and that I may include tabular and extraneous material.

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

There was no objection.

NOTICE

If the 108th Congress, 1st Session, adjourns sine die on or before November 21, 2003, a final issue of the Congressional Record for the 108th Congress, 1st Session, will be published on Monday, December 15, 2003, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–410A of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 12, 2003. The final issue will be dated Monday, December 15, 2003, and will be delivered on Tuesday, December 16, 2003.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

CONFERENCE REPORT ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. HOBSON. Mr. Speaker, pursuant to House Resolution 444, I call up the conference report on the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

The Clerk read the title of the bill.

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

(For conference report and statement, see proceedings of the House of November 7, 2003, at page H11010).

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

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

Mr. Speaker, this is a bill that has a conference agreement of $27.3 billion. This is a good bill. We worked very hard on it, and we have had a very tough conference; and I hope everybody will vote for the bill.

At this time I would like to make a few remarks concerning the committee staff on both sides. We worked together very diligently to prepare this bill and this conference report. I guess this is my second time to conference the bill, but my first time to be involved in the writing of the bill, which is a rather unusual circumstance.

During that period of time, and for the last number of years, our clerk has had different people being the chairman. And I do not know whether it is because I became the chairman that he is leaving or not. He has had a different chairman about the last five times, and so I said I was going to stay awhile, and then suddenly I heard he was going to retire. So I hope it is not because of the conference we have had that he is leaving, because he has done a great job. He has been 15 years here in this committee. He likes apparently the challenge of breaking in a new chairman, but I am not sure that he likes the continuation of that. But he will have to speak afterwards about that.

I really want to thank him because he has been a great help to me and a great help to the staff as we have worked on this bill. He was dubbed ''Silent Bob'' in one of the reports that was out, I think it was in one of what we call local political rags here around Washington. While most people might say he is silent, I can tell you when he is in the room and Silent Bob speaks, we all listen. He has done a great job for this committee. He has been a great resource to me and to the committee over these years.

So I want to thank him, and I hope he can go out and work on his golf game because he tells me his game is about as bad as mine, and that is really bad. So now he will have plenty of time to learn how to play golf better and also to probably earn a lot more money, as he can come back and lobby us about a lot of issues because he is a real authority, especially on the water part of this bill.

So, again, thanks to you, Bob, for being the clerk for all these years and for leading us during this period of time.

Mr. Speaker, I submit for the RECORD a document detailing the specifics of this appropriation bill.

Mr. Speaker, I am pleased to present to the House today the conference report on H.R. 2754, the Energy and Water Development Appropriations Act for fiscal year 2004.

We had a challenging conference with the Senate this year, but we were able to resolve our differences and reach a fair compromise. Most importantly, I believe we did the right thing for the Nation in this conference report in a number of important areas, from rebuilding our water infrastructure, to dealing with the disposal of spent nuclear fuel, to advancing the frontiers of our scientific knowledge.

The total amount of funding included in the conference agreement is $27.3 billion. This represents an increase of $1.1 billion over the current fiscal year and approximately $380 million over the budget request.

Title I of this conference report provides funding for the Civil Works program of the U.S. Army Corps of Engineers and for the Corps' Formerly Utilized Sites Remedial Action Program. The conference agreement provides the Corps with $4.6 billion, slightly below the current year but nearly $400 million over the inadequate budget request. The Administration does not seem to comprehend that underfunding the Corps of Engineers ultimately costs the country more in the long run, as projects that are strung out over multiple years always cost more than they would if constructed on an efficient schedule. I have already initiated a dialog with the Administration in an attempt to convince them of the need to increase funding to support the Civil Works program of the Corps of Engineers in future fiscal years.

In fiscal year 2004, we opted to focus our available resources on completing ongoing projects, and therefore limited the number of new starts in this conference agreement.

Funding for Title II of the bill, which includes the Central Utah Project Completion Account and the programs of the Bureau of Reclamation, is $986.5 million, $14 million above the amount appropriated last year and $64 million above the budget request. The Committee did not provide the $15 million requested by the Administration for the CALFED Bay-Delta program. The authorization for this program expired in fiscal year 2000 and it has not been reauthorized.

Total funding for Title III, the Department of Energy is $22 billion, $1.2 billion above fiscal year 2003 and $120 million below the budget request.

In many ways, I am most proud of our accomplishments in this part of the conference agreement. My top priority in the Energy and Water bill this year was to provide sufficient funding for the Yucca Mountain nuclear waste repository, and I believe we succeeded. This conference agreement provides a total of $580 million for Yucca Mountain, only $11 million below the request but an increase of $123 million compared to the current fiscal year. This project has been significantly underfunded in prior years, and we are finally starting to reverse that trend.

Mr. Speaker, it is essential that we keep the Department of Energy on schedule to submit the repository license application late next year and to begin repository operations in 2010. The Yucca Mountain repository is essential for both energy security and homeland security. We have provided the necessary funding in this conference agreement, and I have the commitment of the Secretary of Energy to move forward aggressively on the repository program during this coming fiscal year.

Another priority of mine, and of many other Members in this chamber, is the subject of advanced scientific computing. By a number of key measures of computing power, the United States is now in second place behind Japan. For the sake of our scientific leadership, of our national security, and for economic competitiveness, we cannot afford to stay in second place for very long. We have provided an additional $30 million for the Department of Energy to procure additional state-of-the-art computers in the near term and to begin an interagency effort to develop next-generation computer architectures.

Another area where there is significant Member interest in this conference agreement is the portion of DOE's budget that deals with several new nuclear weapons initiatives proposed by the Administration. I strongly believe that we need to take a hard look at our existing Cold War nuclear arsenal before we start down the path of designing new weapons and new weapons infrastructure. As President Bush said when he announced reductions to the nuclear stockpile on November 13, 2001, ''The United States and Russia have overcome the legacy of the Cold War.'' At that time, he pledged that the United States would reduce our stockpile to 1,700 to 2,200 operationally deployed warheads over the next ten years. Unfortunately, we are still waiting for the Department to Defense, and the Department of energy, to deliver a revised nuclear stockpile plan that reflects the President's commitment of two years ago. It is time for DOD and DOE to take a hard look at our nuclear weapon stockpile and on the infrastructure we are maintaining to support that stockpile.

Mr. Speaker, the funding provided in this conference agreement maintains our strong support for DOE's nonproliferation programs in Russia and other countries. This agreement also makes a key change in DOE's contracting culture, as we require the competition of five laboratory contracts that we awarded without competition back in the 1940s and have never been competed since. Most Members are shocked to learn we have contracts that have never been competed in the past half century. We are fixing that situation.

Funding for Title IV, Independent Agencies, is $229.3 million, an increase of $22.6 million from last year and $81.4 million above the budget request. We have funded the Appalachian Regional Commission at $66 million, $33 million above the request, in recognition of the strong interest in this chamber and in the Senate in the work of the ARC.

I want to thank my Senate counterpart, Chairman PETE DOMENICI, and his Ranking Minority Member, Senator HARRY REID, for their

hard work during this conference. They may view me as a relatively junior Member by Senate standards, but rest assured, Mr. Speaker, that I fought long and hard to defend the House priorities during this conference. My Ranking Member, the Honorable PETE VISCLOSKY, was at my side during this process, and I truly value his support and advice.

Mr. Speaker, before I conclude I would also like to thank the staff for their help in getting me up to speed on the complex issues we have in this bill. The Subcommittee staff includes Bob Schmidt, Kevin Cook, Dennis Kern, Scott Burnison, Tracy LaTurner, and our detailee from the Corps of Engineers, Robert Pace. I also want to thank Kenny Draft of my staff, and Dixon Butler and Peder Maarbjerg of the minority staff.

I urge the unanimous support of the house for adoption of this conference report. I would hope we could quickly conclude action on this conference report so that we can get this bill to the White House for signature.

I want to make special mention here today for ''Silent Bob'' Schmidt, the subcommittee clerk on my bill this year.

Bob is leaving the Hill at the end of this week, and is going on to greener pastures. I hate to say it, but his departure may be partly my fault. He has the remarkable record of having clerked for five different Chairmen, I believe, in the past five Congresses. He apparently likes the challenge of breaking in new Chairmen, and I told him I intend to be around for a while, so that may be why he's going. I hope not.

I would like to congratulate Bob on his many years of service on the Appropriations Committee, and for his former service for the Corps of Engineers. Bob's knowledge of the agency programs in our bill, and of the rules of the Committee and the house, have been invaluable during my first year as Chairman on this subcommittee. I will miss his experience and his company, and I know that the staff will, too.

I like to refer to Bob as ''silent Bob'' because he's not a real talkative guy, so I am not sure that we'll notice when he is out of the office, even when he is gone for good. He usually managed to speak up, though, when anybody was about to make a mistake, which is one hallmark of a very good Appropriations Clerk and I know we will all miss him when it's time to get the work done. On behalf of those of us who have worked closely with him, I want to wish him every success in his golf game and whatever else he takes on in the future.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2004 (H.R. 2754)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	134,141	100,000	117,788	131,700	116,949	-17,192
Construction, general	1,744,598	1,350,000	1,642,911	1,538,000	1,722,319	-22,279
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	342,334	280,000	301,054	329,000	324,222	-18,112
Operation and maintenance, general	1,927,556	1,939,000	1,932,575	2,014,000	1,967,925	+40,369
Supplemental appropriations (P.L. 108-11)	39,000	---	---	---	---	-39,000
Regulatory program	138,096	144,000	144,000	139,000	140,000	+1,904
FUSRAP	144,057	140,000	140,000	140,000	140,000	-4,057
Flood control and coastal emergencies	14,902	70,000	40,000	40,000	---	-14,902
Supplemental appropriations (P.L. 108-83)	60,000	---	---	---	---	-60,000
General expenses	154,143	171,000	164,000	160,000	160,000	+5,857
Total, title I, Department of Defense - Civil	4,698,827	4,194,000	4,482,328	4,491,700	4,571,415	-127,412
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	23,489	27,040	27,040	36,463	27,040	+3,551
Fish, wildlife, and recreation mitigation and conservation	11,186	15,423	9,423	---	9,423	-1,763
Subtotal	34,675	42,463	36,463	36,463	36,463	+1,788
Program oversight and administration	1,317	1,728	1,728	1,728	1,728	+411
Total, Central Utah project completion account	35,992	44,191	38,191	38,191	38,191	+2,199
Bureau of Reclamation						
Water and related resources	808,203	771,217	817,913	859,517	857,498	+49,295
Supplemental appropriations (P.L. 108-11)	25,000	---	---	---	---	-25,000
Loan program	---	200	200	200	200	+200
Central Valley project restoration fund	48,586	39,600	39,600	39,600	39,600	-8,986
California Bay-Delta restoration	---	15,000	---	---	---	---
Working capital fund (rescission)	---	-4,525	-4,525	-4,525	-4,525	-4,525
Policy and administration	54,513	56,525	56,525	54,425	55,525	+1,012
Total, Bureau of Reclamation	936,302	878,017	909,713	949,217	948,298	+11,996
Total, title II, Department of the Interior	972,294	922,208	947,904	987,408	986,489	+14,195
TITLE III - DEPARTMENT OF ENERGY						
Energy supply	696,858	748,329	691,534	920,357	737,537	+40,679
Non-defense site acceleration completion	---	170,875	170,875	171,875	163,375	+163,375
Non-defense environmental management	213,624	---	---	---	---	-213,624
Uranium enrichment decontamination and decommissioning fund	---	418,124	392,002	396,124	416,484	+416,484
Non-defense environmental services	---	292,121	320,468	302,121	339,468	+339,468
Uranium facilities maintenance and remediation	453,409	---	---	---	---	-453,409
Science	3,261,328	3,310,935	3,480,180	3,360,435	3,451,700	+190,372
Supplemental appropriations (P.L. 108-11)	11,000	---	---	---	---	-11,000
Nuclear Waste Disposal	144,058	161,000	335,000	140,000	190,000	+45,942
Departmental administration	205,280	326,306	224,329	309,564	216,533	+11,253
Miscellaneous revenues	-120,000	-146,668	-123,000	-146,668	-123,000	-3,000
Net appropriation	85,280	179,638	101,329	162,896	93,533	+8,253
Office of the Inspector General	37,426	39,462	39,462	39,462	39,462	+2,036

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2004 (H.R. 2754)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Atomic Energy Defense Activities						
National Nuclear Security Administration:						
Weapons activities	5,914,409	6,378,000	6,117,609	6,473,814	6,272,511	+358,102
Supplemental appropriations (P.L. 108-11)	67,000	---	---	---	---	-67,000
Defense nuclear nonproliferation	1,020,860	1,340,195	1,280,195	1,340,195	1,327,612	+306,752
Supplemental appropriations (P.L. 108-11)	148,000	---	---	---	---	-148,000
Naval reactors	702,196	768,400	768,400	768,400	766,400	+64,204
Office of the Administrator	325,102	347,980	341,980	337,980	339,980	+14,878
Subtotal, National Nuclear Security Administration	8,177,567	8,834,575	8,508,184	8,920,389	8,706,503	+528,936
Defense environmental restoration and waste management	5,428,806	---	---	---	---	-5,428,806
Supplemental appropriations (P.L. 108-11)	6,000	---	---	---	---	-6,000
Defense facilities closure projects	1,130,915	---	---	---	---	-1,130,915
Defense site acceleration completion	---	5,814,635	5,758,278	5,770,695	5,651,062	+5,651,062
Defense environmental management privatization	157,369	---	---	---	---	-157,369
Defense environmental services	---	995,179	990,179	987,679	991,144	+991,144
Defense environmental management privatization (rescission)	---	---	---	-15,329	-15,329	-15,329
Subtotal, Defense environmental management	6,723,090	6,809,814	6,748,457	6,743,045	6,626,877	-96,213
Other defense activities	511,659	636,154	666,516	492,209	674,491	+162,832
Supplemental appropriations (P.L. 108-11)	4,000	---	---	---	---	-4,000
Defense nuclear waste disposal	312,952	430,000	430,000	285,000	390,000	+77,048
Cerro Grande fire activities (rescission)	---	-75,000	-75,000	---	---	---
Total, Atomic Energy Defense Activities	15,729,268	16,635,543	16,278,157	16,440,643	16,397,871	+668,603
Power Marketing Administrations						
Operation and maintenance, Southeastern Power Administration	4,505	5,100	5,100	5,100	5,100	+595
Operation and maintenance, Southwestern Power Administration	27,200	28,600	28,600	28,600	28,600	+1,400
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	167,760	171,000	171,000	177,950	177,950	+10,190
Falcon and Amistad operating and maintenance fund	2,716	2,640	2,640	2,640	2,640	-76
Total, Power Marketing Administrations	202,181	207,340	207,340	214,290	214,290	+12,109
Federal Energy Regulatory Commission						
Salaries and expenses	192,000	199,400	192,000	199,400	204,400	+12,400
Revenues applied	-192,000	-199,400	-192,000	-199,400	-204,400	-12,400
Total, title III, Department of Energy	20,834,432	22,163,367	22,016,347	22,148,203	22,043,720	+1,209,288
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	70,827	33,145	33,145	71,145	66,000	-4,827
Defense Nuclear Facilities Safety Board	18,876	19,559	19,559	19,559	19,559	+683
Delta Regional Authority	7,948	2,000	2,000	7,000	5,000	-2,948
Denali Commission	47,688	9,500	---	48,500	55,000	+7,312
Nuclear Regulatory Commission:						
Salaries and expenses	577,806	618,800	618,800	618,800	618,800	+40,994
Revenues	-520,087	-538,844	-538,844	-538,844	-538,844	-18,757
Subtotal	57,719	79,956	79,956	79,956	79,956	+22,237
Office of Inspector General	6,797	7,300	7,300	7,300	7,300	+503
Revenues	-6,392	-6,716	-6,716	-6,716	-6,716	-324
Subtotal	405	584	584	584	584	+179
Total, Nuclear Regulatory Commission	58,124	80,540	80,540	80,540	80,540	+22,416
Nuclear Waste Technical Review Board	3,179	3,177	3,177	3,177	3,177	-2
Total, title IV, Independent agencies	206,642	147,921	138,421	229,921	229,276	+22,634
Grand total:						
New budget (obligational) authority	26,712,195	27,427,496	27,585,000	27,857,232	27,830,900	+1,118,705
Appropriations	(26,712,195)	(27,507,021)	(27,664,525)	(27,877,086)	(27,850,754)	(+1,138,559)
Rescissions	---	(-79,525)	(-79,525)	(-19,854)	(-19,854)	(-19,854)

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

□ 1445

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

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

Mr. VISCLOSKY. Mr. Speaker, I first of all want to as, I always do on these occasions, thank the staff because in the end they are the ones who have done the very hard work. I want to thank Kevin Cook, I want to thank Scott Burnison, I want to thank Dennis Kern, Tracey La Turner, Rob Pace, Kenny Kraft, Rob Nabors, Dixon Butler, Peder Maarbjerg, Leslie Phillips, and I would also like to add my voice of thanks to Bob Schmidt. Bob has done an incredible job as a staff member of the Committee on Appropriations. As a former staffer myself, I truly appreciate the work everyone has done on this bill, and in this case particularly the work of Bob. It is no surprise to me the quality of work he has done since he is a graduate of the University of the Notre Dame.

The second set of thank you's goes to the gentleman from Ohio (Chairman HOBSON). The gentleman from Ohio (Mr. HOBSON) and I serve together on the Subcommittee on Defense. As mentioned, this is his first full round with the energy and water bill, and he has done an exceptional job. He has been completely bipartisan. He has been a gentleman. He has made decisions. Our Department of Energy and our energy policy in the United States of America is better off because of the work the gentleman has done on this bill.

I have now served with five chairmen; they have all been very able. They have all done very good work; this is the best bill which has been brought to the floor while I have been a ranking member.

Mr. Speaker, on the substance of the bill, I would want to simply say that I think the committee has done a very good job on the nuclear weapons program. On the issue of water infrastructure, we have done our very best. We have added $377 million, and put back into the process 80 programs that were eliminated by the administration under budget requests. Any failings here are not because of lack of effort by the committee.

Mr. Speaker, first of all, I would like to thank the staff that worked to put this bill together, Bob Schmidt, Kevin Cook, Scott Burnison, Dennis Kern, Tracey La Turner, Rob Pace, Kenny Kraft, Peder Maarbjerg, Leslie Phillips, Rob Nabors, and Dixon Butler, all put in countless hours to produce this fine product.

I would also like to thank my Chairman, Chairman HOBSON, who guided the House priorities through a very tough Conference, and led us to produce a very good bill. He has been one of the best Chairmen I have ever work with, and I look forward to working with him in future years.

Now, no bill is perfect Mr. Speaker, but this bill was a product of a truly bipartisan effort. Mark Twain once said that ''Common Sense is not that Common'' but this Conference Report advances some very common sense ideas, and though I don't want to take up much time, I would be remiss if I did not mention a few.

In the area of Nuclear Weapons, this Conference Report directs the Dept. of Energy to focus on management of our aging weapons stockpile before moving forward with new concepts and designs.

The Report fenced two-thirds of the money going to Advanced Concepts, or weapons research, until DOE produces a Nuclear Weapons Stockpile plan. This plan is needed to better deal with our aging war-heads and to dispose of many of those systems. Due to advances in technology many warheads are no longer practical or feasible with current Department of Defense technology and strategies.

In addition, the Conference Report, funds the Modern Pit Facility program and the Robust Nuclear Earth Penetrator (RNEP) or Bunker Buster at, $10M and $7.5M respectively, half of the President's and Senate's Requests in both cases. This is because we should not be looking forward to new weapons until we have a solid plan for the weapons and technology we already have.

Mr. Speaker, we should be especially wary of the nuclear waste stored in many sites across this country in this unfortunate time of terrorist threats. The compromise we came to with the other body, funded the Yucca Mountain Repository at it's highest level ever, $580M, and fully supports the submission of the December 2004 license application. I appreciate the Chairman's leadership on this issue.

Finally, Mr. Speaker our funding for the Corps of Engineers was the best that we could do within the money provided. Many important projects could not be fully funded, completed, or started. This under-funding was not the fault of the Chairman or this committee, which funded the Corps approximately $377 million over the President's Request and restored approximately 80 ongoing studies that the Administration did not include in their budget. Unfortunately, this Administration, and previous Administrations, in a bipartisan failure, have not made the infrastructure of this country a priority.

Currently, the Corps O&M program reflects a high priority backlog of $1 billion and an additional $1.9 billion in unfunded work. Though the conference report added $29 million to the President's request, we are still behind.

For on going construction, the backlog was $44 Billion for FY 2002 and $45 billion in FY 2003. The Conference Report added $372 million to the President's request of $1.35 billion to help this situation; this is just a drop in the bucket, and I suspect this backlog will continue to grow in FY 2004.

We need to invest in our future, by creating jobs, advancing the efficiency of commerce and transportation, while improving the environmental outlook and quality of life for people in this country. This can all be done through better investment in our domestic infrastructure.

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

Mr. HOBSON. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I rise in support of this bill as well, and want to thank the gentleman from Ohio (Mr. HOBSON). During no time in my 9 years here have I seen anyone grow as fast on the job in 10 and a half months as the gentleman from Ohio (Mr. HOBSON). His first Subcommittee on Energy and Water Development meeting was coming in as chairman, and in the last 10 and a half months, he has been all across the country, studied these issues, consumed himself with it, and done an outstanding job, in large part because of the bipartisan cooperation. There is no doubt this is a bipartisan product, an excellent work product.

I want to thank again those staff members already mentioned on our side of the aisle, Bob Schmidt, Dennis Kern, Scott Burnison, Kevin Cook, Kenny Kraft, and Tracey LaTurner. They have done outstanding work.

A couple of points I want to make, first as a representative of the premier multipurpose laboratory in the United States, Oak Ridge National Laboratory, science is up. Our long-term investment in the future of our country, the seed corn for the next generation, is up above the President's request because the gentleman from Ohio (Chairman HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY) believe we must invest for future generations, and this bill reflects that commitment long term. It is very important. Plus, energy security; everybody has talked for a long time about our need to solve the long-term waste issue relative to our nuclear waste storage and whether we can ever go back into the nuclear business. We are solving that problem by fully funding and adequately funding Yucca Mountain, which we need to do. This committee has moved on this.

We also have an accelerated cleanup program across the country now because this Department of Energy, under Secretary Abraham's leadership, rolled out an ambitious plan to clean these nuclear sites up sooner rather than later and invest more in the short run to save money in the long run. We are doing that at Oak Ridge, at Hanford, Savannah River, and across the country. It is important that we do that for the health and safety of our citizens, and this bill is an excellent work product. I agree with the gentleman from Indiana (Mr. VISCLOSKY) that this is the best energy and water bill that we have offered in a number of years.

Mr. VISCLOSKY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise in strong opposition to funding for the Yucca Mountain project in the energy and water appropriations conference report which allocates $580 million for the Yucca Mountain project and nuclear waste disposal. This is an increase of almost 30 percent above current spending levels. Appropriating such a significant increase of funds for a project which is riddled with problems is unconscionable.

I would like to bring to our attention numerous developments that cloud the

future of the Yucca Mountain project. These issues raise major concerns regarding the wisdom of continuing this dangerous folly. Proponents of Yucca Mountain claim that a central site would reduce security concerns at the Nation's 131 nuclear reactor sites. That is preposterous. Even if Yucca Mountain opens, every nuclear reactor in operation will continue to store nuclear waste on site. Instead of eliminating potential terrorist targets, we will be creating a new target, this time in the State of Nevada.

Nuclear waste shipped to Yucca Mountain will pass through 45 States and the District of Columbia, traveling on roads and railroad tracks located next to 50 million people over the course of the next 24 years. Residents of cities such as Chicago, Atlanta, St. Louis, and Salt Lake City could see multiple shipments of this deadly nuclear waste pass through their backyards daily.

The United States Air Force has stated that the Yucca Mountain repository will interfere with training at the Nellis Air Force Base. This would negatively impact military preparedness at one of the Nation's most important training facilities. It is almost unimaginable that we would consider a plan that would limit the ability to train America's combat pilots.

Just last month, the independent Nuclear Waste Technical Review Board found that the canisters that will store high-level waste at Yucca Mountain are likely to corrode and leak, resulting in the release of radioactive nuclear materials that will contaminate nearby water supplies.

Instead of dumping money into the ill-conceived Yucca Mountain project, we should invest in the development of clean energy sources, such as renewable energy. By boosting renewable energy, we are working to bring down energy costs, create a consistent and reliable source of energy, improve the environment and public health, and reduce our vulnerability to terrorists around the world.

We must look far ahead when considering the future of energy. That future is in reliable, renewable energy, not nuclear power. I urge my colleagues to consider the consequences of this project. This Congress will rue the day it got into bed with the nuclear industry. The people of the State of Nevada already do.

Mr. HOBSON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON), a member of the Committee on Appropriations, Subcommittee on Energy and Water Development.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise to support this conference report and want to commend the chairman and his staff on very, very fine work. I particularly thank them for their willingness to work with those of us from Appalachian districts for funding for the Appalachian Regional Commission. That is a part of America that is very rural, it is a part of America that is struggling economically, and with the tremendous loss of manufacturing jobs recently, it is an agency that we believe needed to be funded. We are also pleased that he helped us put language in the bill that said those who receive this funding will be accountable publicly. We want to make sure that these agencies serve us, and that they are open. The language requires that their budgets, their minutes, their audited statements and public meetings be open to the press and public. We thank them for that.

I also commend the committee on authorizing $2.15 billion for hydrogen fuel cells. It is a program I have supported for years. I commend the committee on authorizing $200 million for clean cities. I represent State College, Pennsylvania, which is the first bus system that will be all natural gas, and are now working toward becoming hydrogen, and are leading the way. I thank the committee for the $100 million for increased hydropower which is important. We have a lot of dams in this country which have not been harnessed and hydropower which has not been adequately utilized, and I want to particularly thank the committee for its dramatic increase for LIHEAP from $2 billion to $3.4 billion. With the high cost of natural gas and fuel oil this year, home heating is going to be a problem in cold parts of this country, and this program will be vital. I also was delighted at the $1.8 million clean coal power spending; and I want to thank the chairman and those who worked with him on Yucca Mountain. I know it is a controversial issue, but it needed legislative leadership and the gentleman from Ohio (Chairman HOBSON) provided that. I thank him for his work.

Mr. VISCLOSKY. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise today in opposition to two provisions in this energy and water conference report. First, this bill provides $7.5 million for study of a new-generation, earth-penetrating nuclear warhead and $6 million for research on advanced nuclear weapons concepts such as low-yield mini nukes. Supporters of these new nuclear weapons argue the current funding is limited to weapons research and development in DOE labs, but this argument ignores the obvious end results of these studies, and that is that they will have to be tested. These weapons will be tested most likely at the Nevada test site. That will once again expose Utah and the rest of this Nation to fallout from those tests.

High-yield weapons present an additional problem, unacceptable amounts of fallout would endanger U.S. troops approaching the target to confirm the weapons' success. No one is going to argue about pursuing new technologies to address the threats posed by terrorists hiding in hardened or deeply-buried sites, but we should ask and answer this question about whether nuclear weapons, regardless of yield, can even get the job done.

I oppose this bill that would once again move toward exposing Utahans to nuclear testing in Nevada. That brings me to a second point I also raise in opposition to the bill, and that is there is a provision that would reclassify radioactive waste from two Department of Energy sites as a type of waste that can be shipped to commercial facility. This language was included in the conference report without the knowledge of States like Utah that had commercial facilities where the DOE has suggested shipping such highly-concentrated radioactive waste. This waste has much higher radioactive levels than other radioactive waste that commercial facilities are currently regulated to accept under this classification.

This is unacceptable to Utah, and I am fundamentally opposed to language that makes Utah into a dumping ground not only for waste from Ohio and New York, but waste from other east coast States as well. Some Members argue this waste is not that bad. Mr. Speaker, if the waste is not that bad, then Ohio and New York should not be in such a rush to get rid of it.

Utah has a history on this issue, a history of being downwinders. My family comes from southern Utah. I would not put Utah into a back seat to anyone when it comes to their patriotism and commitment to this country, but we need to make sure when we move ahead and potentially expose our citizens to radiation, that we make sure we make these decisions in the clear light of day, and we look out for the health and safety of all Americans.

Mr. HOBSON. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

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

Mr. YOUNG of Alaska. Mr. Speaker, this is a good bill, but I have some concerns. There are 60 separate authorizations in this bill; 10 were cleared through my committee. The remaining came from the other body. What bothers me is we have sent over to the other body a WRDA bill that they should be acting on. When we have that many projects in an appropriations bill without having to go through the due process, including my committee, I think it is inappropriate.

I have worked with the chairman and the chairman of the subcommittee. My staff has worked with them, and we worked through what the House projects should be and they were cleared. But now we see a small WRDA bill. When the conference report was filed, I was a little shocked. In fact, it has two projects in this bill which were not asked for by either the House or Senate. Two projects were inserted by the Corps itself. I think this is a bad way to legislate.

The bill overall is a good bill, but what we ought to be doing is passing a

WRDA bill out of the other body and getting that done because this Nation needs a sound policy. This Nation needs restoration, it needs a sound project list to conclude.

The chairman and the ranking member did an outstanding job, but I hope this body keeps insisting to Members of the other body, two of them from each State, urge them to pass that piece of legislation that covers the whole Nation and not do it piecemeal, because it weakens the process and makes it difficult to do what we should be doing. I ask Members as we approach next year, we urge that body to act responsibly.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). The gentleman is reminded not to urge action in the other body.

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

Mr. Speaker, I do not disagree with the chairman at all. As a matter of fact, the chairman, I, and the ranking member tried when we passed this bill in the House to not put any authorizing language in this bill that was not approved by the chairman when it left here. In our discussions with the other body, they have a different procedure. We had certain things that we had to take the way the procedures works.

I would suggest that we do need to pass a water bill, and I think my ranking member agrees with me on that. We want to work with the gentleman from Alaska in every way we can. There are two large things that were approved over here that I think substantially hurt that, but they were requests from the Senate which I think the gentleman is aware of which we passed by the committee.

But again just generally I want to say, not only generally but specifically, I totally agree with the fact that we should pass a water bill as expeditiously as possible.

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

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

I would just for a moment agree with both of my chairs and refer to my opening remarks where, despite our best efforts, we are also on the appropriations side underfunding these programs. I would agree with the chairman of the authorizing committee that I would hope the other body acts sooner rather than later.

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

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

Again, I want to thank the gentleman from Indiana (Mr. VISCLOSKY), my partner in this. This is the first time we have done this bill together. He and his staff have been absolutely marvelous to work with. We have tried to expose to each other all of our problems. If we would have had more money, we could have helped more people. That is our goal, with the very delicate infrastructure that we have in this country; but we just did not have enough money to do that.

In closing, I would like once again to say that I appreciate the clerkship of Bob Schmidt and all of the staff, but especially Bob. In the time I have worked with him, he has been an invaluable resource. We are going to miss him a lot.

Mr. NETHERCUTT. Mr. Speaker, I am pleased to support H.R. 2754, the Fiscal Year 2004 Energy and Water Appropriations Conference Report. However, I am concerned about one provision which was added to the statement of managers concerning the Bonneville Power Administration. Incorrect language was added stating ''the conferees are aware of the Department of the Treasury's concerns relating to Bonneville Power Administration's financial accounting practices and expect Bonneville to rectify the situation as soon as is possible.'' The Department of the Treasury has not expressed concerns relating to BPA's accounting practices. In fact, a letter from Treasury Acting Under Secretary for Domestic Finance, Brian Roseboro, to Stephen Wright confirms that no concerns about BPA's accounting practices exist. The letter, dated November 18, 2003, states:

Dear Mr. Wright: The Department of the Treasury received the Conference Report to accompany H.R. 2754 and reviewed the sentence on page 171 that reads, ''The conferees are aware of the Department of the Treasury's concerns relating to Bonneville Power Administration's financial accounting practices and expects Bonneville to rectify the situation as soon as is possible.'' The Department of the Treasury has not expressed any concern about the financial accounting practices of Bonneville either privately or publicly. Please let me know if you have any questions. Sincerely, Brian C. Roseboro, Acting Under Secretary for Domestic Finance.

Mr. Speaker, I wish the RECORD to reflect the fact that this sentence added to the Conference Report is incorrect, and the letter from Under Secretary Roseboro corrects the RECORD.

Mrs. TAUSCHER. Mr. Speaker, I would like to thank Chairman HOBSON and Ranking Member VISCLOSKY for their hard work in producing an Energy and Water Appropriations bill that funds a number of important programs This legislation includes significant increases over the President's request for Basic Energy Research and for Energy Supply programs.

Sadly, this bill also marks a watershed in U.S. nuclear policy that will have dire consequences for us and for our children. Indeed, by funding research on adapting nuclear weapons for new uses against hard and deeply buried targets and funding work on new low yield nukes, Congress has given its stamp of approval to a persistent effort by this administration to put the United States back in the business of making nuclear weapons.

The funding of these two initiatives has been the culmination of the work of nuclear hawks in the administration who had produced a Nuclear Posture Review in December of 2001 that places a strong emphasis on the use of nuclear weapons for both offensive and defensive purposes and a misguided National Strategy to Combat Weapons of Mass Destruction in December 2002 that outlines new scenarios when the United States would consider using nuclear weapons.

The development not only marks a new chapter in American national security policy that directly invites a nuclear arms race with any power that wishes to compete, but also a shameful moment for Congress when elected officials have been too willing to embrace a new weapons program without challenging what have been very lightweight justifications.

Mr. Speaker, nuclear weapons will remain a crucial part of America's arsenal for the foreseeable future. They provide a hedge against potentially hostile nuclear powers and underpin security commitments to our allies. But today, the United States is addressing the threat of weapons of mass destruction from Iran, North Korea, India, Pakistan and a growing list of counties.

The Director of the CIA, George Tenet, warned last February that the ''desire for nuclear weapons is on the upsurge ''among small countries'' and that ''we have entered a new world of proliferation.''

Even Russia, our former Cold War rival whom we fought in a conflict that almost brought the world to the brink of annihilation, on noting the administration's current intent to pursue a new generation of nuclear weapons, has responded by making plans to strengthen its nuclear deterrent by modernizing delivery vehicles and keeping a number of heavy ballistic missiles previously slated for dismantlement.

Instead of working to build an equitable global regime that actively devalues nuclear weapons and creates incentives for their elimination, the administration would rather develop new battlefield nuclear capabilities, leading us into a world where nuclear weapons are seen as legitimate alternatives for all nations and the taboo on their use is severely eroded.

The administration's intent to develop a new generation of nuclear weapons of any size makes a mockery of the President's claim that the Strategic Offensive Reductions Treaty (SORT) he signed with Russian President Putin marked the true end of the Cold War.

Indeed, if you combine the repeal of the ban on development of low yield nuclear weapons contained in the Defense Authorization Bill with the funding of these same weapons in this bill and the flexibility in the SORT which allows both Russia and the United States too keep all their weapons rather than dismantle them, we actually have the makings of a nuclear arms buildup in this country for the first time since the end of the Cold War.

While this bill cuts funds in half for the Robust Earth Penetrator and ties $4 million of the $6 million requested for advanced concepts to an important reporting requirement, there is no such thing as opening Pandora's box part way.

With this bill, the United States has crossed a major threshold and entered a new nuclear era.

By approving the administration's request for plans to develop a new generation of nuclear weapons, Congress has failed the American people by adopting policies that potentially make the United States less secure.

The justifications the administration offered for its nuclear agenda—the need to maintain the knowledge of our nuclear designers and the need to strengthen our nulcear deterrent by developing more usable nuclear weapons—were paper thin.

The first justification deserves little comment. The argument that Congress needs to create a jobs program for scientists to help hone their skills doesn't hold water.

Second, the proposition that nuclear weapons can somehow be engineered to be smarter and cause less collateral damage is simply false.

Nuclear weapons will never surgically destroy hardened targets.

They offer no guarantee of destroying chemical and biological agents without releasing them into the atmosphere.

Detonated in an urban area, even a 1-kiloton nuclear bomb with a yield much lower than the nuclear warheads under consideration for an RNEP would kill tens of thousands of civilians and hinder friendly troops.

Our warfighters do not have a military requirement for new nuclear weapons, and we have not exhausted research on conventional alternatives.

I am deeply concerned that by preaching the rhetoric of disarmament and nonproliferation, and on the other hand, developing a new generation of weapons of mass destruction, we are making the world a more dangerous place. Perhaps the most alarming thing this Congress has done is to trivialize nuclear weapons and their destructive power.

The prohibition on low yield weapons not only was necessary, it reinforced the notion that nuclear weapons should always be considered the most destructive weapons known to man.

By lifting the ban on research and funding their development in this bill, it is much easier to believe that they are just like any other usable weapons system, rather than a horrific weapon of last resort.

The American people are poorly served when the executive branch does not engage them on policies that may have catastrophic consequences for them in the future and when their elected officials are reluctant to ask the hard questions or thoroughly review the administration's national security propositions.

I am going to vote for this bill because it contains a number of important provisions for our economy.

It will be up to this Congress and subsequent Congresses however, to ensure that the administration's quest for new and more usable nuclear capabilities does not take us closer to the day when we decide to use them again.

We did not heed the protests of the current mayor of the city of Hiroshima who wrote the President on the anniversary of the bombing of his city this summer that ''this clear indication that the United States intends to develop small nuclear weapons raises the horrifying specter that nuclear weapons will actually be used'' and represents a ''frontal attack on the process of nuclear disarmament.''

If today we are unwilling to listen to those who have the only experience of the consequences of nuclear war, I hope that in the very near future we can at least start giving proper attention to this development in future hearings and debates.

Mr. FILNER. Mr. Speaker, I rise today in support of the fiscal year 2004 energy and water appropriations conference report, which funds several projects of great interest to my constituents in Southern California.

The New River has been described as the ''world's most polluted river.'' The river flows from Mexico, north across the U.S. border, and through my district in Imperial County, California. Due to grossly inadequate sewage treatment and solid waste facilities in Mexico, raw sewage, industrial waste, and garbage are constantly released into the New River.

The New River is extremely polluted, foamy, and foul-smelling. The river significantly violates water quality standards, and plants and animals cannot survive in much of it. The New River continues to threaten the health of residents of my district and of undocumented immigrants who use the waterway to cross the international border.

A coalition of citizen groups and government agencies in my district, including the Calexico New River Committee, has developed a feasible plan that will significantly improve the quality of water flowing through the community. The project involves building wastewater infrastructure to improve water quality in the vicinity of the city of Calexico on the southern portion of the New River in Imperial County by installing project headworks and encasing the New River, and constructing a disinfecting facility and wastewater polishing system as the river emerges from its encasement.

Mr. Speaker, this bill, which provides funding for the Nation's energy and water-related projects, would continue environmental restoration efforts on the New River. This is an extremely important first step in the process of enhancing the water quality of the southern portion of the New River, enriching life in the community, and making a healthier home for fish and wildlife.

Better quality water flowing along the New River would also mean improved water quality in the Salton Sea. The Salton Sea is the largest inland water body in California, and one of the largest salt lakes in the world. The Salton Sea is an important habitat for Federal and State listed endangered species, as well as other migrating and resident bird species, a reservoir for agricultural drainage, a center for recreation, and a wetland ecosystem.

But it is quickly becoming too saline to continue supporting wildlife, and a recent rural-to-urban water transfer may shrink the shoreline. This bill would provide funding for the Salton Sea Research project for efforts to continue study of the alternatives for restoration of the Sea.

Water that eventually drains into the Salton Sea comes from the Colorado River, and is delivered to farmers and residents in my community by the All American Canal. This bill provides funding to construct small regulating reservoirs on the canal, which will vastly improve operating efficiencies. The reservoirs would provide storage for water that is unavoidably delivered from the lower Colorado River in excess of what is immediately needed by users, thereby improving water conservation efforts.

Finally, water in the Colorado River is threatened by a uranium mine tailings pile sitting only 700 feet from the River near Moab, Utah. The tailings, which sit in an unlined pond and seep into the ground water, are radioactive and contain high concentrations of toxic metals left by the leaching process used to separate uranium from ore. The tailings are leaking radioactive material into the Colorado River at levels 1,300 times above the allowed limit. This bill provides funding to accelerate remediation of this site, and would ensure that residents of my community, other Colorado River water users, and the environment receive the long-term protection so desperately needed.

For the sake of my constituents at the U.S.-Mexico border, as well as residents of the West, I urge my colleagues to support the conference report.

Mr. BEREUTER. Mr. Speaker, this Member supports the FY2004 Energy and Water Development appropriations conference report and urges his colleagues to vote for it. This Member would like to commend the distinguished gentleman from Ohio (Mr. HOBSON), the Chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the Ranking Member of the subcommittee, for their exceptional work in bringing this conference report to the Floor.

This Member recognizes that extremely tight budgetary constraints made the job of the subcommittee much more difficult this year. Therefore, the subcommittee is to be commended for its diligence in creating such a fiscally responsible measure. In light of these budgetary pressures, this Member would like to express his appreciation to the subcommittee and formally recognize that the Energy and Water Development appropriations conference report for fiscal year 2004 includes funding for several water projects that are of great importance to Nebraska.

This Member greatly appreciates the $18 million funding level provided for the four-State Missouri River Mitigation Project. The funding is needed to restore fish and wildlife habitat lost due to the Federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in pre-development days.

In 1986, the Congress authorized over $50 million to fund the Missouri River Mitigation Project to restore fish and wildlife habitat lost due to the construction of structures to implement the Pick-Sloan plan.

Also, this measure provides additional funding for flood-related projects of tremendous importance to residents of Nebraska's First Congressional District. Mr. Speaker, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system, which is located along the Platte River near Ashland, Nebraska. Therefore, this Member is extremely pleased that this conference report continues funding in the amount of $191,000 for the Lower Platte River and Tributaries Flood Control Study. This study should help formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries.

This Member recognizes that this bill includes $546,000 for the Sand Creek Watershed project in Saunders County, NE, and $318,000 for the Western Sarpy-Clear Creek project. This funding is to be used for pre-construction engineering and design work. This Member is also very pleased that the conference report includes construction funds for several Nebraska projects including $500,000 for Sand Creek, $500,000 for Western Sarpy-Clear Creek, $1.5 million for Antelope Creek,

and $1 million for Missouri National Recreational River.

Funding for the Sand Creek project is particularly urgent. There is a cooperative effort in Nebraska between the State highway agency and water development agencies which makes this project more cost-effective and feasible. Specifically, the dam for this small reservoir is to be a structure that the Nebraska Department of Roads would construct instead of a bridge as part of the new State expressway in the immediate vicinity of Wahoo, NE. Immediate funding would help ensure that this coordinated effort could continue.

This Member appreciates the report language which directs ''the Secretary of the Army to work closely with the local sponsor on the Sand Creek Environmental Restoration project, accepting advance funds offered by the sponsor, and agreeing to credits and reimbursements, as appropriate, for work done by the sponsor, including work performed in connection with the design and construction of seven upstream detention storage structures.''

The Western-Sarpy-Clear Creek Flood Reduction Project is designed to provide protection to the City of Lincoln's water supply, Interstate 80 and U.S. Highway 6, the Burlington Northern Santa Fe railroad/Amtrak line, telecommunication lines and other public facilities. The project completes and strengthens a levee system, most of which is already in place, to channel water and ice downstream away from the confluence of the Elkhorn and Platte Rivers, which is where major flood problems begin.

The purpose of the Antelope Creek project is to implement solutions to multi-faceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land-use issues. This Member continues to have a strong interest in the project since he was responsible for stimulating the City of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify an effective flood control system for downtown Lincoln. The Antelope Creek Flood Control Project is a large project and will have a number of phases of right-of-way acquisition and construction.

This Member appreciates the $500,000 included in the conference report for research in Nebraska on improved soybean oil for biodiesel fuel. Biodielsel use is growing rapidly, and an improved oil from soybeans developed for Nebraska growers can open new markets for soybean growers, while contributing to a cleaner environment and reducing our Nation's dependence on non-renewable energy sources. Replacing petroleum-based diesel fuel with biodiesel produced from soybean and other vegetable oils can help make the Nation more self-sufficient in energy and reduce air pollution, including emission of ''greenhouse gases'' contributing to global warming. Biodiesel holds significant potential for expanding markets for soybean growers and processors.

Finally, this Member also is pleased that the conference report includes $1 million in funds from the Drought Emergency Assistance Program for emergency assistance in Nebraska.

Again Mr. Speaker, this Member commends the distinguished gentleman from Ohio (Mr. HOBSON), the Chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee, for their support of projects which are important to Nebraska and the First Congressional District, as well as to the people living in the Missouri River Basin.

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of the Fiscal Year 2004 Energy and Water Appropriations conference report, which brings the Houston Ship Channel project extremely close to completion and provides critical flood relief for residents of the 29th District of Texas.

It was flooding down in Texas yesterday, and this bill is urgently needed down in my hometown of Houston. This bill provides $35.5 million for the Houston Ship Channel deepening and widening project, which will allow our Nation's second largest port to continue to grow and handle the heavy energy and petrochemical traffic that is necessary for the smooth economic functioning of our Nation.

The Port of Houston is home to the single largest petrochemical complex in the country, with a combined capacity to produce nearly 49 percent of the Nation's petrochemical capacity. By increasing the capability of the ship channel to handle newer, larger tankers more safely, Congress will directly increase the energy security of our Nation at a time of tumultuous energy markets. We need to obtain an additional $12 million in reprogramming funding next year as the construction on the ship channel nears completion.

The ship channel is one of the primary economic engines in my district and throughout Texas, directly providing tens of thousands of jobs in the greater Houston area and many more thousands across the State.

For flood control, this legislation provides $750,000 for flood protection construction work along Hunting Bayou, an urban watershed in East-Central Harris County. During Tropical Storm Allison, the most expensive tropical storm in U.S. history, over 8.000 homes flooded in the Hunting Bayou watershed, which is heavily residential and low to moderate income.

The House Energy and Water Appropriations Act for FY 2004 also provides $774,000 to complete the General Re-evaluation Review for Greens Bayou, a highly populated, but economically disadvantaged watershed in North Harris County. The lack of flood control protections in this watershed leaves these residents and businesses unprotected and resulted in the flooding of over 15,000 structures during Tropical Storm Allison. The most major channel flooding during that event occurred in the Greens watershed, and we need to get moving and start moving dirt down there as soon as possible. This bayou came very close to topping its banks just yesterday.

I offer my deep appreciation to Chairman HOBSON and Ranking Member VISCLOSKY for their attention and dedication to these critical economic development and flood protection projects for my constituents down in Houston, TX. I hope to work with them as this legislation goes forward, and I urge my colleagues to support the bill.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of H.R. 2754, the Energy and Water Appropriations conference report for fiscal year 2004. Let me first thank Chairman HOBSON for his strong leadership of our subcommittee's work and to Ranking Member PETE VISCLOSKY for his bipartisan approach to this conference report. And my thanks to the subcommittee staff for their tireless efforts to put this conference report together.

While public attention is rightly focused on the war on terrorism abroad, our committee continues to do its part to protect our nation's security at home. The issue of energy security is now clearly before us—our energy facilities and networks must be safe and secure. And we must also continue the critical work of the Department of Energy to do the research and development on domestic sources of energy, reducing the demand of foreign oil imports and to find better ways to protect our nuclear stockpile.

I applaud the chairman for providing $82 million for the new Office of Electric Transmission and Distribution (OETD), which is $5 million over the requested amount. The Office of Electric Transmission & Distribution is a new DOE program office formed to help ensure a robust and reliable U.S. transmission grid for the 21st century. I am pleased our subcommittee has provided DOE with the funding needed to lead a national effort to help modernize and expand America's electric delivery system to better ensure economic and national security.

Further, it is important to note the conferees added the $5 million over the requested amount to allow the Department of Energy to complete its investigation into the causes of the August 14th, 2003 blackout, which highly affected thousands of people in my region of the country. It is important DOE conduct an extensive investigation to get to the bottom of what caused or contributed to the outage so we can take proper steps to ensure such failures are never repeated in the future.

Chairman HOBSON has produced a conference report that continues the Federal commitment to work in partnership with our states and local communities to address such vital needs as flood control, shore protection, environmental restoration and improving our Nation's waterways. By doing so, we are helping to meet critical economic, environmental and public safety needs in virtually every state in the country.

I want to especially thank Chairman HOBSON for his support of top priorities in my home state of New Jersey. Keeping our port open for business is critical to our regional economy and the 229,000 thousand jobs related to port activity in New Jersey and New York. Protecting and restoring our 127 miles of shoreline is vital $30 billion dollar tourism industry. And, this bill continues to work to protect New Jersey's communities from natural disasters such as flooding and continues New Jersey's special role to provide for a future energy source that is clean and unlimited: that is the work of the Princeton Plasma Physics Laboratory.

Finally, I want to take a moment of my time to thank the Army Corps of Engineers for their efforts to improve the quality of life that the American people have at home as well as for the Iraqi people abroad. Today, well over 300 U.S. Army Corps of Engineers military and civilian employees are in Iraq assisting the people in many areas. The Corps also provides daily assistance to the reconstruction effort with technical advice for the International Aid Developments program of reconstructing water and sanitation facilities; public facilities, such as hospitals and schools; roads, bridges and

railroads; and airport and seaport rehabilitation. Of vital importance is the Corp's work with the Coalition Provisional Authority, the U.S. State Department, and U.S. engineering societies that help Iraqi engineers gain knowledge lost during the last 30 years.

Mr. Speaker, I wholeheartedly support this conference report and urge my colleagues to do the same.

Mr. MATSUI. Mr. Speaker, I rise today in support of the Conference Report on H.R. 2754, the Energy and Water Development Appropriations Act for fiscal year 2004. As this Congress is well aware, my district of Sacramento, CA, is the most at-risk river city in the Nation. Situated at the confluence of the American and Sacramento Rivers, Sacramento has narrowly escaped certain disaster twice over the last two decades. My number one priority as a Member of this body has always been to put an end to this grave public safety risk and to provide my constituents with the flood protection they both need and deserve. I am happy to say this bill will do just that. In fact, in the eyes of Sacramento, the passage of this bill is an historic moment.

A major flood along the American River would cripple this economy, causing between $7 and $16 billion in direct property damages and likely result in significant loss of life. The Sacramento floodplain is home to half-a-million people, 5,000 businesses providing 200,000 jobs, 160,000 homes, 1,300 government facilities including the State Capital, over 100 schools, six major hospitals, 26 nursing homes, three major freeways systems, and a regional economy that supports over one million people.

For almost as long as Sacramento has been at risk of a catastrophic flood, there has been a dispute over how to resolve the issue. Earlier this year, my colleague JOHN DOOLITTLE and I reached an agreement that moves forward the two most pressing issues for Northern California: flood control and water supply. This bill contains that agreement and successfully addresses both of those issues for the indefinite future.

I would like to take a moment and recognize the tremendous efforts that have made this possible. Without the leadership of Chairman HOBSON and Ranking Member VISCLOSKY of the Energy and Water Appropriations Subcommittee and Chairman YOUNG and Ranking Member OBERSTAR of the Transportation and Infrastructure Committee Sacramento would still be fighting for incremental flood control projects. Their recognition of Sacramento's dire flood control situation advanced this solution. On behalf of my constituents, thank you.

More specifically, this bill provides for the construction of the Folsom Dam Mini-Raise. This is the crowning project in a series of vital flood control improvements and surpasses the region's long held goal of reaching 200-year level protection. By raising the existing Folsom Dam seven feet, Sacramento's flood control system will be able to weather a storm 50 percent larger than anything in the recorded history of the watershed. In addition, the project provides a new permanent bridge to replace the Folsom Dam Road, which was closed in February due to security concerns, and for ecosystem restoration on the lower American River. Congressional approval of the Mini-Raise benefits the entire Sacramento region, by addressing not only the area's flood control needs, but also ecosystem restoration, transportation issues and Homeland Security needs.

I am grateful for the continued Federal assistance that Sacramento has received throughout the years to bring us to this moment. That commitment is evident in this bill and will ensure that those living and working in the region will be kept out of harm's way.

Mr. HOBSON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

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.

CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. TAUZIN. Mr. Speaker, pursuant to House Resolution 443, I call up the conference report on the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 443, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 17, 2003, Book II.)

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on H.R. 6.

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

There was no objection.

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

Mr. Speaker, there may be no other bill the House considers this year or next that will benefit America more than H.R. 6, the Energy Policy Act of 2003. Let me tell my colleagues what this conference report is about. It is about America's energy security, America's energy reliability, and it is about American jobs.

First, Mr. Speaker, apart from homeland security and defense appropriations, this bill will do more for the security of our country than any legislation that we will consider in a long time. The Middle East remains one of the most dangerous corners of the world, and our heavy dependence upon oil from that region simply cannot continue. That is why H.R. 6 removes the artificial impediments to domestic oil and gas exploration and development. That is also why the bill takes a 21st-century approach to energy by investing literally billions of dollars into research and technology to promote non-conventional sources of power.

I am pleased, in particular, that we have followed through on President Bush's request to fund the FreedomCar initiative. If hydrogen cars are the wave of the future, and they may well be, then 20 or 30 years from now, people will look back on the investments we make in this conference report as the genesis for zero-emission, highly efficient vehicles. We also make enormous strides in the area of conservation and efficiency. Indeed, according to the American Council on an Energy Efficient Economy, the provisions of this bill in these areas will eliminate the need for 294 new 300-megawatt electricity plants by the year 2020. That is real conservation.

Next, Mr. Speaker, the conference report is about energy reliability. We can have all of the oil, natural gas, coal, and renewable energy in the world; but it does not do us any good if we cannot get the energy to America's families and businesses. Two years ago, we witnessed rolling blackouts in California. And, of course, just 3 months ago, we saw some 50 million Americans in much of the Northeast and Midwest crippled by power failures that could cost the economy billions and billions of dollars. These blackouts are intolerable in the year 2003. We simply cannot permit this. And so we have adopted consensus-based reliability standards that have been negotiated over the past several years.

We have included transmission incentives to build new transmission systems. We have new provisions on siting to make sure we can improve transmission facilities. And we have eliminated artificial barriers to new investment in the electricity grid by repealing the old Public Utility Holding Company Act. In short, when the provisions of H.R. 6 are fully deployed in the marketplace, the American people will be able to count on a stronger, more reliable electricity system.

Finally, H.R. 6 is about jobs. We estimate this conference report will create upwards of 800,000 new jobs, not to mention preserving valuable jobs in manufacturing, construction, agriculture, and technology that are frankly being lost today because of the high energy prices in our society. Here is how: the construction of the new Alaska natural gas pipeline will create some 400,000 direct and indirect jobs. Investment in clean coal technologies will create 40,000 new jobs and 10,000 white collar jobs in math, engineering, physics, and science. The new renewable fuel standard could create as many as 214,000 new jobs alone. Incentives for the solar industry will create 20,000 new jobs.

Mr. Speaker, the list goes on and on. The point is that through a combination of removing barriers to energy

production and making sound, enlightened developments in America's energy future, we will do more for the American economy than virtually any other legislation we consider in the 108th Congress. Our economy is recovering. This bill makes it certain.

I urge my colleagues to vote in favor of this conference report, for America's security, for America's energy reliability, and for American jobs.

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

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

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

Mr. DINGELL. Mr. Speaker, we have before us a highly partisan project, written in secret and kept from the light of day just like the Cheney task force. The result speaks for itself. And when you lift the lid, like lifting the lid on a garbage can, you get a strong smell of special interest provisions.

There are some worthy titles and some worthy items, but they are much submerged in the special interest provisions of this legislation. The conference report does include consensus electric reliability provisions that the Democrats have supported, but the report will probably handcuff the Federal Energy Regulatory Commission's ability to prevent future blackouts. It repeals the Public Utility Holding Company Act of 1935 with its consumer and investor protections. It favors certain utilities and other special interests. It preempts State and local authorities on transmission line siting decisions.

The conference report shortchanges our rivers and conservationists as well. It tilts the relicensing process in favor of utilities by giving them special rights and procedures not afforded to other parties who have interests in these same uses of special public resources, such as the States, the Indian tribes, the sportsmen, or the conservationists.

One of the more troublesome aspects of this report is its direct assault on the Nation's safe drinking water supply. It weakens the Safe Drinking Water Act. It forces State and local taxpayers to pay billions of dollars to clean up the MTBE manufacturers' mess and requires taxpayers, not polluters, to pay for the cleanup of contamination caused by leaking underground storage tanks, even when the responsible party can afford to pay.

The bill contains a number of provisions which are not included in either bill and on which there is no legislative record at all, including significant Clean Air Act rollbacks. The conference agreement includes even worse provisions outside the jurisdiction of the Committee on Energy and Commerce. For example, the tax subsidies alone will cost about $23 billion compared with the President's request of $8 billion, but I note there are no complaints from the administration which regularly objects to smaller amounts being spent for education, health care, or for our Nation's veterans.

The bill was conceived in a secret, one-sided process; and, as a result, flawed provisions are obvious to all who would observe. I must oppose this legislation and urge my colleagues to do likewise. This is a bad bill. It is a special interest bill. It does not help the people. It takes care of the special interests, and it is not going to save or emancipate this country with regard to the energy demands that we confront.

I urge a ''no'' vote on the legislation.

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

Mr. TAUZIN. Mr. Speaker, I am honored to yield 1½ minutes to the distinguished gentleman from North Carolina (Mr. BURR), vice chairman of the Committee on Energy and Commerce.

Mr. BURR. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to briefly address the electricity transmission and reliability provision that is included in this conference report. Both the Clinton and the Bush administrations cited the need to attract new investment in the transmission sector as an integral component for modernizing our electricity delivery system. The evolution of our system demands an electricity grid that is reliable, secure and robust, all qualities that are essential in a 21st-century economy. However, our electricity transmission system today remains overburdened, outdated, and underfunded.

According to industry observer Eric Hurst, transmission investment over the past 25 years has declined at a rate of $115 million per year. Hurst further indicates that there needs to be an investment of at least $56 billion in the transmission sector to upgrade existing lines and add additional capacity in order to meet existing peak electricity demands. In its current projection, however, the industry will only spend $3 billion each year during the next decade on upgrades.

Working with my good friend, the gentleman from Maryland (Mr. WYNN), we drafted the Interstate Transmission Act of 2003, which would require FERC to adopt transmission rules to promote capital investment in the system, improve the operating system, and allow for returns to investors reflecting financial, operational, and other risks inherent in transmission investments.

I am pleased to say that this final conference report incorporates a tremendous move forward on our transmission infrastructure. I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, the United States needs an energy policy for the 21st century. We need to reduce our reliance on Middle East oil and increase our energy independence. Unfortunately, this Republican conference report completely fails to do any of this.

We need an energy policy for 2003, but the plan we have before us was designed for 1973. The authors of this plan act as if reliance on foreign oil, climate change, and the need for energy conservation are of no consequence. The plan gives billions of dollars to the oil and gas industries so that our Nation will continue to rely on the Middle East for petroleum.

It does nothing to encourage energy conservation. It does nothing to reduce greenhouse gas emissions. It does nothing to encourage investment in renewable energy, a technology that was new and exciting in the 1970s and, with proper congressional support, could finally be part of our energy infrastructure in the future.

It is our duty as Congresspeople to lead and not follow. Sadly, this conference report is not forward-looking. I must vote ''no'' on this energy bill because it is nothing more than a whole lot of yesterday.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. SHIMKUS), a member of the committee.

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

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

Mr. SHIMKUS. Mr. Speaker, I would like to thank the chairman of the committee for giving me a once-in-a-lifetime opportunity, and that is to serve on this conference committee that is now reporting this bill. This is a bill that has been debated since I have been a Member of Congress going on my 7th year, numerous hearings, numerous markups, and now we have a chance to do what we need to do. Diversify our electric energy portfolio, making sure that nuclear power, coal power, and hydroelectric power are all part of the mix, along with renewables. We also get a chance to adjust the crisis of importation of foreign oil with a 5 billion gallon renewal requirement primarily using ethanol. Soy beans also has a big seat at the table with improvements there that will help use homegrown fuels to help decrease our reliance on foreign oil.

This is a bill that I am proud to have a chance to serve on the committee and the conference report. I think it is something that I will be able to tell my kids in many years to come that I was proud to serve in the House of Representatives and be a part of this conference report that addresses the first energy bill legislation in decades on the floor of the House.

Mr. DINGELL. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the distinguished gentleman from Massachusetts (Mr. OLVER).

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

Mr. OLVER. Mr. Speaker, I rise in opposition to the conference report on this bill before us.

The energy bill before us today fails to provide a realistic sustainable energy plan for Americas future. Instead, the bill includes environmental rollbacks, threatens public health, weakens key consumer protections against electricity market manipulation, and gives out billions of dollars in subsidies to the fossil fuel and nuclear industries. In addition, this bill missed nearly every opportunity to increase renewable energy development and energy efficiency.

The rollbacks of two of our most fundamental environmental laws—the Clean Air Act and the Clean Water Act are terrible environmental policy.

This bill would allow more smog pollution for longer than the current Clean Air Act authorizes by allowing areas with the worst air pollution to have more time to cleanup without having to implement stronger air pollution controls.

This bill exempts all oil and gas construction activities, including roads, drill pads, pipeline corridors, refineries and compressor stations from having to control storm-water runoff, as is currently required under the Clean Air Act.

Early estimates on this bill show at least $25 billion in subsidies to the oil, coal, gas, and nuclear industries. Some estimates tally over $100 billion in giveaways to the ''dirty fuel industry'' including over $6 billion in tax credits for nuclear power companies, and $1.1 billion to build a new nuclear reactor in Idaho. It is reckless and irresponsible policy to promote new nuclear power production when we have yet to develop a safe way and place to dispose of the high-level nuclear waste we have already created.

By comparison, the renewable energy industry received only crumbs—a piddling $3–6 billion for solar, wind, geothermal, and biomass development. The Renewable Portfolio Standard included by the Senate, which would have required utilities to generate 10 percent of their power from renewable sources by 2020, was struck from the bill.

Tragically, this bill is a missed opportunity for job creation. The Tellus Institute estimates 1.3 million jobs could be created in the renewable energy sector. Instead, this bill only ensures we will continue to lose our technological edge in the global renewable market to countries like Denmark and Japan.

What we needed was a bill to decrease our dependence on foreign oil and strengthen our national security, but this bill won't conserve a drop of oil. We need to protect our consumers, our public lands and our public health, but instead this bill weakens protections. We needed to give a boost to the renewable energy sector, but instead this bill is a kickback to the fossil fuel indistry.

I urge a ''no'' vote on this irresponsible legislation.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague, the ranking member, for yielding me this time.

Mr. Speaker, it must be close to Thanksgiving because this bill has the energy industry doing a lot of thanking and taxpayers doing a lot of giving.

Odd couple Jerry Taylor of the Cato Institute and Dan Becker of the Sierra Club together call this energy bill ''three parts corporate welfare and one part cynical politics.'' They are absolutely right.

For our colleagues to consider themselves friends of the environment, I note the following: This bill drills holes in the Clean Water Act, the Safe Drinking Water Act, NEPA, and the Coastal Zone Management Act. It reverses a long-standing polluter pays principle by forcing taxpayers to clean up leaking underground storage tanks. It is clearly the most anti-environmental bill in a long time.

As for my colleagues who say they are concerned with wasteful government spending and heavy-handed government mandates, this bill's $23 billion of tax provisions are triple the administration's proposal. They shovel billions in taxpayer-funded subsidies to wealthy corporations. The cost of the bill could be as high as $135 billion in new government spending, industry subsidies, and mandates increasing consumer prices for gas and electricity. So much for fiscal discipline.

May I cite, Mr. Speaker, one set of provisions which epitomizes the bill's failures. This bill grants liability protection for MTBE producers responsible for polluting groundwater in virtually every State, leaving harmed communities saddled with billions in cleanup costs. Supporters claim it is fair to protect producers from liability since Congress mandated its use in the Clean Air Act, but there is no mandate for MTBE. And, in fact, nearly 100,000 barrels were added to gasoline a year before the Clean Air Act regs were issued.

It is also a fact that manufacturers knew MTBE would get into groundwater and that it would render groundwater unusable. Adding insult to injury, the bill provides these same companies with $2 billion, that is $2 billion worth, to help them get out of the MTBE business. What a ripoff. And this is just one example.

I urge my colleagues to give their constituents something to be thankful for this holiday season. Vote no on this turkey.

Mr. Speaker, it must be close to Thanksgiving because the energy industry is doing a lot of thanking and taxpayers are doing a lot of giving in this bill.

Odd couple Jerry Taylor of the Cato Institute and Dan Becker of the Sierra Club call the energy bill ''. . . three parts corporate welfare and one part cynical politics.'' They call it ''a complete waste of energy'' and say the ''1700 page bill fails to address the fuel and power needs of the average American.''

They are absolutely right!

For my colleagues who fashion themselves as friends of the environment I would note the following extremely troubling provisions:

The bill seriously weakens the Coastal Zone Management Act, the Federal law that States use to manage development and preservation of coastal resources. The bill limits States' roles in weighing in on oil and gas proposals and fasttracks the decisionmaking process. I would note that it was CZMA that California successfully used in forcing the termination of 36 undeveloped leases off the coast.

The bill provides major incentives for energy development in sensitive coastal areas. It also permits coastal States to spend so-called ''impact assistance'' funding, which is supposed to be designed to promote environmental protection, on activities that could further damage sensitive coastal areas. There is nothing in the bill to prevent a coastal State from spending most of all of their allocation on environmentally damaging infrastructure construction projects, including roads, ports, or jetties. The money made available under this section for areas impacted by offshore oil and gas development should be used to prevent and mitigate environmental damage; not create more.

The bill also contains a provision to assign unilateral permitting and regulatory authority to the Secretary of Interior for all energy-related industrial facilities within the Outer Continental Shelf, including those under areas long protected by executive and Congressional moratoria. Under the bill, all leasing, permitting, and regulation for a broad range of unidentified ''oil and gas related'' projects, including offshore Liquefied Natural gas (LNG) facilities, would be expedited through the use of one-stop permitting under the sole authority of the Secretary of Interior. California is presently facing two proposed offshore LNG terminals and gasification facilities off the coast of Malibu and Oxnard, and several other LNG proposals elsewhere along its coastline. California's local communities and the State of California would be stripped of important jurisdictional oversight over such projects if this bill were approved. Industrial projects in our coastal waters must not be allowed to circumvent existing laws that ensure protection of environmentally and economically sensitive coastal and marine areas.

The Leaking Underground Storage Tank program ensures that polluters clean up the damage caused by leaking tanks. But the energy bill violates this longstanding ''polluter pays'' principle by forcing taxpayers, rather than polluters, to pay for cleanup of contamination from these leaking tanks. This provision wasn't included in either the House or Senate bill.

The bill excludes deals between energy companies and tribes from National Environmental Protection Act, the Federal law that insures energy projects meet environmental and public health standards. It also requires the Department of Interior (DOI) to act as an enforcer for energy companies in their deals with tribes to make sure the tribes live up to the agreements. Unfortunately, there is no similar DOI oversight of energy company obligations to the tribes.

The Clean Air Act classified cities by their level of pollution, with dirtier cities given longer time to clean up their air, but also being required to adopt tougher anti-pollution standards. If an area fails to clean its air up by the statutory deadline, the area is ''bumped up'' to a higher classification, meaning it gets more time to meet their standards, but it has to institute stronger pollution controls. The energy bill will allow these polluted cities extended deadlines for achieving healthy air, but without ''bumping up'' the city. This means cities with dirty air won't have to clean up for a long time. And people living in these cities—and people living downwind—will suffer longer from dirty air and its damaging health effects.

The bill undermines the Clean Water Act by giving oil and gas companies a permanent exemption from pollution control requirements, like obtaining a permit to control polluted stormwater runoff caused by construction activities at drilling sites. But the industry already has a temporary exemption for small sites and EPA is now studying this issue. There is no reason to shortcut this process.

Hydraulic fracturing is a drilling technique that injects chemicals into the ground during oil and gas development. But the bill exempts hydraulic fracturing practices from the Safe Drinking Water Act, threatening drinking water sources, public health and the environment.

The energy bill does nothing to decrease our dependence on oil. There is no increase in the Corporate Average Fuel Economy Standards (CAFE), even though 70 percent of imported oil is used in our cars. Clearly, one of the most important steps we could take to increase our energy security would be to reduce our dependence on foreign oil. Instead, we are going in the opposite direction with average fuel economy on the decline and Congress even giving tax breaks for businesses that want to buy luxury SUVs. At a minimum, the bill should encourage us to stop wasting oil. The Senate adopted a provision to reduce U.S. demand for oil by 1 million barrels per day. Yet, the conference report even leaves this minimal step out.

The bill drops provisions establishing a Renewable Fuels Standard, which would require utilities to get increasing amounts of their energy from renewable sources. Increasing utilities' use of renewables is a key step in achieving energy security for the Nation; that is why thirteen States already have or are considering setting similar goals. My own State of California has such a requirement and the utilities there tell me they have no problem complying with its provisions. The Senate supported such a provision but the House was never even given an opportunity to vote on the matter.

The bill does not contain any provisions to address global climate change, even though many have previously passed the House, or even unanimously passed the Senate. The provisions that were included in the Senate energy bill are modest steps on this important issue. They include: ensuring public disclosure of greenhouse gas emissions from large factories and power plants, creating a White House Office on Climate Policy, encouraging U.S. participation in global talks on climate change, and expanding research and innovative technology. These provisions do not create any mandatory programs to cap greenhouse gas emissions, but would lay the groundwork so we can understand the nature of this problem and begin to work on solutions.

Mr. Speaker, this is clearly the most anti-environment bill in a long time.

And for my colleagues who say they are concerned with wasteful government spending and heavy-handed government mandates, I bring the following to their attention:

The bill's $23 billion tax provisions are triple the Administration's proposal, shoveling billions in taxpayer-funded subsidies to corporations.

The overall cost of the bill could be as high as $135 billion in new government spending, industry subsidies, and mandates increasing consumer prices for gas and electricity.

Right now, oil and gas companies pay royalties to taxpayers for the privilege of drilling on public lands. The bill grants these wealthy industries royalty ''holidays,'' so they pay nothing for extracting billions of dollars worth of oil and gas from public lands. The bill also changes the royalty payment programs, modeling them on pilot projects GAO says have cost taxpayers up to $367 million annually.

The bill mandates a tripling in the use of ethanol, effectively forcing consumers on both coasts to subsidize giant Midwest agribusiness. The Energy Information Agency has indicated that gas prices could rise by 10 cents and it is likely to be even higher as the ethanol mandate will also make gas prices subject to even more variables—such as drought or other factors affecting the price of corn. In addition, a Cornell University study indicates, it takes about 70 percent more energy to produce ethanol, than the energy ethanol creates.'' Because much of the energy that goes into making and transporting ethanol (by truck, since it can't be sent in pipelines) comes from fossil fuel sources, this provision will do little to reduce foreign oil dependence.

While the 1700 page bill was drafted in secret, some of the pork barrel spending has begun to leak out. For example, there is one $1 billion in subsidies for a nuclear power plant and millions in subsidies for an Alaska pipeline. But the list of pork barrel projects is certain to be long and embarrassing when it finally becomes public. Senator MCCAIN said the bidding process reminded him of a ''bazaar.'' So much for fiscal discipline.

Mr. Speaker, one set of provisions epitomizes the bill's failures.

The bill grants liability protection for MTBE producers responsible for polluting groundwater in virtually every State. This liability is granted even though documents unearthed in recent court cases show that manufacturers knew as early as the mid-1980's that their product would contaminate groundwater, but continued to push it.

Even when present in extremely small amounts MTBE makes water taste and smell like kerosene, rendering it unusable. This contaminated groundwater is difficult and extremely expensive to clean up, and a growing problem in hundreds of communities across the country. MTBE may also be a suspected carcinogen.

Supporters claim it is fair to protect MTBE producers from liability since Congress mandated its use in the Clean Air Act. But there is no mandate for MTBE in the Clean Air Act. In fact, nearly 100,000 barrels of MTBE were being put in gasoline a year before the Clean Air regulations were issued.

This provision leaves communities with MTBE polluted groundwater saddled with billions of dollars in cleanup costs. For example, in my district the town of Cambria recently reached a $10 million settlement with Chevron to clean up the MTBE contamination that has ruined a good part of the town's drinking water supply. Under this bill, there will be no incentive for MTBE producers to be responsible for the damage they have caused and towns like Cambria will be left to fend for themselves.

Finally, adding insult to injury, the bill provides these same companies with $2 billion in taxpayer funds to help these wealthy oil and gas companies get out of the MTBE business. There is absolutely no justification for this blatant waste of money.

I urge my colleagues to give our constituents something to be thankful for here on the eve of Thanksgiving. Vote ''no'' on this turkey.

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means.

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

Mr. THOMAS. Mr. Speaker, first of all, I want to thank the chairman and I want to thank the Senate. Knowing the difficulty of putting a package together and being a part of it, I am very pleased that we are here on the floor today.

Mr. Speaker, despite protestations to the contrary, this country has remained dependent on foreign energy sources, leaving our Nation vulnerable to rogue nations. Mr. Speaker, Americans have faced price spikes at the gas pump and high monthly energy bills. High energy costs have closed U.S. plants and factories and laid off U.S. workers. And as recently as last summer, U.S. cities experienced blackouts resulting from problems with the energy grid. Lacking a comprehensive energy plan has left the United States susceptible to energy shortcomings and downfalls.

However, we have the opportunity today to reverse this course. Congress is poised, and I believe we are poised, to send legislation to the President that will put a balanced comprehensive energy plan in front of America's long-suffering consumers. The tax incentives included in this agreement are the most sweeping changes in energy policy in over a decade.

The plan before us today encourages the use of nontraditional energy sources, wind, geothermal, solar, and other renewable sources. This diversification will foster self-reliance and lessen dependence on foreign energy supplies. We devoted nearly 40 percent of the resources in this tax package to that effort. Additionally, today's agreement promotes the use of traditional energy sources like our abundant coal supplies but focusing them in cleaner forms.

To protect our country from experiencing further blackouts, we have devoted nearly one-fifth of the tax incentives to bettering the distribution of the United States electric and gas distribution and transmission systems.

The production incentives in this agreement will encourage the development and use of alternative fuels like biodiesel and ethanol.

Working with the Senate, we have compiled a package that promotes conservation, better reliability, and more production. This comprehensive agreement combines the best elements of the House and the best elements of the Senate bill, and it deserves and, I believe, will receive strong support. My compliments to the chairman.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. BOUCHER).

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

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

Mr. Speaker, I rise in support of the conference agreement and urge its approval by the House. As the gentleman from Michigan (Mr. DINGELL) has said, there is much in this measure not to like. I am particularly troubled by the repeal of the Public Utility Holding Company Act and the investor and consumer protections that it contains.

My support for the bill is based on its provisions that will encourage the use of coal in many of the 1,600 new electricity-generating plants that will be built around the United States during the coming 20 years. Under current estimates, more than 80 percent of these 1,600 new units will be fueled with natural gas.

With today's natural gas prices in the range of $5 per million Btus, homeowners who heat with gas and the broad swath of the American industry that is gas dependent are already feeling the effects. The problem will grow much worse and even threaten the health of the Nation's economy if 80 percent of all of the new electricity generators are fueled with gas as well.

To this problem there is an obvious answer. Coal is the Nation's most abundant fuel with reserves sufficient for the next 250 years. Coal generates electricity at less than one-half the cost of the fuel alternatives, and consumers get the best prices when they purchase electricity that comes from coal-fired facilities. But utilities are reluctant to use coal in new generating plants because of the high cost of installing clean coal technologies.

The bill before us contains tax provisions that will make a new generation of clean coal technology more affordable. It will encourage electric utilities to use coal instead of natural gas in many of the new electricity-generating units that will be constructed. That is a major contribution to the Nation's energy policy, and I applaud the inclusion of these provisions in the bill. And I want to commend the gentleman from Louisiana, the gentleman from Texas, and the gentleman from Michigan for their work on in measure.

Mr. Speaker, I urge approval of the conference report.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from Virginia for his comments.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. GILLMOR), chairman of the Environment and Hazardous Materials Subcommittee of the Committee on Energy and Commerce.

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

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding me this time, and I also thank him for his leadership on this issue.

I am pleased to rise in support of this energy bill conference report which will help ensure an adequate supply of energy. It has significant measures for conservation, to encourage renewable fuels, and to provide for the reliability of our electricity delivery system.

While there are a number of good things in this report, because of time I want to mention only two.

I was happy to see that two bills which I introduced earlier this session have been incorporated in the report. The first permits States to provide tax credits for the use of clean coal and renewable fuels, and those provisions will save the consumers of Ohio $36 million.

The second is the first comprehensive rewriting of the leaking underground storage tank program since it was created. There are approximately 700,000 underground storage tanks, and as of March of this year, there have been over 430,000 confirmed releases. A strong underground storage tank program is essential to protecting our environment and our groundwater supply.

It requires that 80 percent of the money of the funds go to the States. It would require an on-site inspection of tanks every year. It requires operator training, permits red tagging of noncompliant tanks, a process that stops delivery to noncompliant tanks.

These improvements have a cost, and I am happy that the current underground storage tank program has adequate resources in it that we can provide a significant increase of funds to States to administer this program, and this bill does it.

This bill is a win-win for the environment and for those people who use our water supply, and for these two reasons and a number of others, I encourage the Members to support the conference committee report.

Mr. Speaker, I am pleased to rise in support of this energy bill conference report which will do a great deal to assure an adequate supply of energy, has significant measures for conservation, and to encourage renewable fuels, and to provide for the reliability of our electricity delivery system.

While there are many good things in this conference report, because of time, I will mention only two of those.

I was happy to see that 2 bills which I introduced earlier this session have been incorporated in this conference report. The first, H.R. 3336, permits States to provide tax credits for the use of clean coal and for the use of renewable fuels. These provisions, for example, will save the electricity consumers of the State of Ohio $36 million.

The second, H.R. 3335, is the first comprehensive rewriting of the Leaking Underground Storage Tank Program since it was created. There are approximately 700,000 underground storage tanks in the United States containing gasoline, diesel fuel, and toxic chemicals. As of March of this year, there have been, over the years, approximately 430,000 confirmed releases from such tanks. A strong underground storage tank program is essential to protecting our environment and our ground water supply.

First it would require that a least 80 percent of all the funds collected for the Federal tank fund go directly to the States to help them with their inspection and clean up programs.

Next it would require an onsite inspection of tanks every 3 years. At the current time there is no inspection requirement, and some tanks can go as long as 10 years or more without being inspected.

It requires operator training. Most of the spills have come from improper operation of tanks.

It also permits red-tagging of non-compliant tanks. This is a process which gives the States authority to effectively prohibit delivery to non-compliant tanks.

It stops Federal facilities from exempting themselves for all Federal, State and local underground tank laws. These improvements do have a cost, and I am happy that the current underground storage tank fund has adequate resources in it so that we can provide a significant increase of funds to the States to administer this program, and this bill does that.

This bill is a win-win for the environment, for those people who use our water supply, and for those in the industry who want the support. It is a responsible program to protect our environment.

For these reasons and many more, I would urge my colleagues in the House to support this conference committee report.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL) for yielding me this time, and I want to thank him for his leadership on this issue as our ranking member on the Committee on Energy and Commerce, the committee on which I am proud to serve.

Mr. Speaker, I rise in strong opposition to this conference report. There are some provisions of the bill I do support. I support the ethanol provisions, and I support the very modest, yet unsatisfactory, provisions dealing with LIHEAP. However, Mr. Speaker, there is much more in this bill that I do not like, and I want to associate myself with the comments of my colleagues who argue that this bill will do irreparable harm to the environment, put consumer protections at risk, and give away billions of taxpayer dollars to large corporate interests. It continues to amaze me that the Republicans love to lecture us Democrats on the need for fiscal austerity and spending restraint; yet, they lavishly spend billions of dollars on needless subsidies and tax breaks for wealthy energy companies.

What is worse, Mr. Speaker, is that this generosity does not extend to the neediest and most vulnerable in our society. Last night during our only substantive conference committee meeting, the Republican conferees rejected my amendment that would have significantly increased funding for the LIHEAP and the Weatherization Assistance programs. Both of these Federal programs provide valuable aid to low-income homes to help them pay for and efficiently manage their energy costs. However, Republican generosity

towards energy companies did not extend to the poor, and my amendment was rejected on pure partisan party lines.

Lastly, Mr. Speaker, I want to comment on the process, the unfair process, of this entire energy bill. Last night at 8 p.m. marked the first and only time that my Democratic colleagues and I had the formal opportunity to work on this bill. My staff and I had 48 hours to read 816 pages and to dissect it, and this certainly was not time enough. This conference report was been largely drafted in secret, behind closed doors, with no input or participation from well-meaning Democrats.

□ 1530

Mr. Speaker, I take seriously the fact that I am the sole African American conferee with full jurisdiction over this bill, and I would have hoped that the majority would have been interested in my unique perspective and the perspectives of the constituents that I represent. Instead, I and others like the gentleman from Michigan (Mr. DINGELL) were completely shut out of the process. I do not take this very lightly. Furthermore, I do not think that this is how we craft a thoughtful, bipartisan energy bill.

For this reason alone, Mr. Speaker, I would urge my colleagues to reject this very one-sided, unthoughtful conference report.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN), a member of the Committee on Energy and Commerce.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I thank the chairman of the committee for yielding me this time.

Mr. Speaker, this conference report before us is the first comprehensive energy bill in over 10 years, and it improves our energy security for the entire country. There is a lot of room for disagreement on energy policy, and I would have drafted the bill differently, but I strongly urge my colleagues to support this bill because it increases our energy security.

It is interesting, because we hear that people do not like energy companies. Well, they do not want to produce, they do not want to transport, they do not want to refine, whether it is electricity, gas, or oil; and what they do not want, they do not want to produce computers. What if we heard we did not want to produce computers or steel or autos? We still have to in a vibrant economy. Congress is always willing to help the steel industry that I vote for, the high-tech industry that I vote for, the aviation industry that I vote for, the agriculture industry. Yet when we hear about the energy industry, all we can say is, oh, they are just those rich companies. Well, let us look at our agriculture policy and some of our other policies.

A strong economy is not going to continue to be strong without a strong domestic energy production. This bill has a number of important incentives to improve our domestic supply of conventional energy sources. It allows for expensing of geological seismic work so we can look better for the industry. Faster depreciation for natural gas pipelines, deductions for independent oil and gas drilling activity. Royalty relief for marginal wells and deepwater wells in the Gulf of Mexico, which is where we are producing most of the energy offshore, since my colleagues in California and whoever else does not want it produced off their coast; but they do not mind driving their cars with it.

The bill makes a number of improvements in our electricity market. We are moving the national electricity market towards more what I consider a Texas model, meaning more open access to transmission systems for all power producers, leading to a competitive wholesale market for electricity. More choices and no blackouts. People wonder why MTBE producers are granted a safe harbor and grants to assist conversions. The Clean Air Act that everyone defends provided for oxygenates that included MTBE. That is why we need to deal with that, because it was required by law 10 years ago.

People wonder why MTBE producers are granted safe harbor and grants to assist in conversion of eligible facilities to new products. The reason is that oxygenates were required by the Clean Air Act because they clean our air, but the properties of oxygenates make them vulnerable in leaking tanks.

The public policy problem here is the leaking tanks and the unused tank repair money in the LUST (Leaking Tank) Trust Fund.

I also want to note H.R. 6's provision to study the Low Income Home Energy Assistance Program. Frankly, I've long-urged this, and look forward to its enactment.

It's a fact: extreme weather kills. Heat's particularly deadly. In 1999 alone, nearly 500 deaths resulted from extreme heat, while seven were attributed to cold.

The Centers for Disease Control advises that home cooling effectively protects against heat-related death and injuries. CDC suggests ''exposure to air conditioning for even a few hours a day will reduce the risk of heat-related illness.''

As more Americans live within urban heat domes, and move to warmer climates, LIHEAP must respect our population and health science alike.

LIHEAP now fails to reach most qualified Americans wherever they live. This stems both from inadequate funds and their apportionment.

As the Secretary undertakes this analysis, it is important that the study identified and assesses:

Biases within formula toward heating or cooling, and resulting regional effects; LIHEAP's ability to adjust as Americans move about the country; the New or Old formulas' ability to accommodate changes in energy costs; ''home energy burden'' as an alternative means to guide distributions; extreme temperatures' effect upon human mortality and health, and LIHEAP's ability to protect at-risk Americans from these effects.

The Secretary's study offers a step toward reform. While woefully long in coming, it's an important opportunity to improve this essential program—which I welcome.

I urge my colleagues to unite in the support of energy security for our country. Millions of jobs, including manufacturing jobs are very much at stake here today.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, America does need an energy policy, but not this one. This policy started with bad process as Vice President CHENEY himself, a former oil man, actually still on the payroll at $3,000 a week of an oil company, Halliburton, when Vice President CHENEY convened a secret group of energy lobbyists to draft the administration's energy plan. It ended with bad process as the conference committee met last night for only the second time, and then only to take a series of party line votes and rubber stamp this bill. When we use bad process, we usually get bad product. That is why our colleague in the other body, JOHN MCCAIN, a Republican, called this conference report a ''no lobbyist left behind bill.''

This was a great week for lobbyists. Like the Medicare bill we will debate later this week, which throws uncounted taxpayer dollars at prescription drug companies and insurance companies, this energy bill is an early present, an early Christmas present for the oil, gas, and utility lobbyists. Mr. Speaker, $100 billion in all, according to some estimates.

These special interest giveaways line the pockets of this Chamber's most influential lobbyists. They do so at the expense of clean air, at the expense of safe drinking water, at the expense of public health and public safety. One small, but telling, example is a last-minute addition by the other body that benefits a single New Mexico company. That company wants to build a uranium enrichment plant, and this bill exempts that plant from the customary review of the National Environmental Policy Act. Special interests favors, Mr. Speaker, and environmental rollbacks are not the way to make energy policy.

I urge my colleagues to oppose this bill. America needs an energy policy, but not this one.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind Members it is not in order in debate to quote a Senator, except as provided in clause 1 of rule XVII.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in support of the conference report, and I

congratulate the gentleman from Louisiana (Chairman TAUZIN) and the gentleman from Texas (Chairman BARTON).

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I rise to engage in a colloquy with the distinguished chairman of our committee today and also with my colleague, the gentleman from Michigan from my neighboring district (Mr. HOEKSTRA).

Mr. Speaker, section 970 of title IX of the conference report includes a demonstration project that is designed to address the effect of ozone transport in southwest Michigan where projected nonattainment is the result of transported ozone across Lake Michigan. This project will assess the difficulties due to transported ozone across the lake to determine the extent of ozone transport and develop alternatives to achieve compliance apart from local controls.

I just want to be sure that the purpose and intent of the committee in this legislation is clear. Am I correct in saying that the counties in particularly our two districts in southwest Michigan, Cass County, Berrien, Van Buren, Kalamazoo, Allegan, that are not in attainment for the ozone standards due to ozone transport are included in the provision and will be eligible for the demonstration project?

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

Mr. UPTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the gentleman's statement is correct. That is the purpose and intent of section 970 of title IX.

Mr. UPTON. Mr. Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, as a Member of Congress whose congressional district is adjacent to the gentleman from Michigan's (Mr. UPTON) and is also part of southwest Michigan, I am assuming that this also includes Ottawa, Muskegon, Oceana, Newaygo, Mason, Manistee, and also Kent counties; is that correct?

Mr. TAUZIN. Mr. Speaker, if they meet the terms of the section, that is correct.

Mr. HOEKSTRA. Great. I thank the chairman for this clarification of the recognition of the unique problem of the ozone transport into southwest Michigan.

Mr. UPTON. Mr. Speaker, reclaiming my time, I just want to say that our two districts in southwest Michigan share a boundary. We are a victim of transient air coming from Milwaukee, from Chicago, and Gary, Indiana. Our problem is not with the clean air. We want those communities to have clean air and to have transient clean air so that we do not have a problem on our side of the State. We are a victim. We would have to impose literally a fan to send this air someplace else without this legislation to avoid some type of sanction that will cost tens of millions of dollars.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

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

I was amused at the comment of our colleague who said that this bill can be characterized as ''leave no lobbyist behind.'' This is the worst special interest piece of legislation I think I have seen in almost 30 years in the House of Representatives. Do we know how much this bill is going to cost? Over $140 billion. We give the oil, gas, coal, and nuclear industries direct grants and tax breaks; and in many cases, we give them money because we forgive them from liability for their own wrongdoing. It used to be if a polluter caused pollution, we said the polluter had to pay to clean it up. This legislation turns that on its head.

For example, with MTBE, which is an additive in gasoline that gets into our ground water, the companies are going to be forgiven for any liability, which means it shifts the costs on to the victims, the communities, to have to pay for it.

This bill might be justified if it really were a good energy policy, and it would get us away from dependence on oil and importing oil. I mean, after all, we are fighting against weapons that were paid for by Saddam Hussein from the money we paid him to bring in oil from Iraq. But it does not do that. This bill makes us more dependent on importing foreign oil.

One could say, well, if we are going to have an energy policy, we ought to be more efficient in our use of energy resources. We ought to look for alternative fuels. This bill does not do that.

What this bill does is roll back environmental protections; it rolls back the Clean Air Act, the drinking water law, the Clean Water Act. It allows our coasts to be attacked by the oil and gas companies for exploitation. This is a bill that is really a giveaway. And I think it is a sad result of a process that was tainted, because the process was Republicans meeting with other Republicans behind closed doors figuring out what the policy ought to be. It is the same thing that happened with the origin of the bill when Vice President CHENEY had a task force where he only met with the energy producers, would not even meet with the environmentalists, and then came out with recommendations that really favored Enron and some of these other energy corporations.

So I think that we ought to reject this legislation. I urge my colleagues to defeat it. I will certainly vote against it. From California's perspective, it is particularly harmful, because we were gouged by the energy wholesalers and with electricity rates, and we get no relief from this legislation. In fact, I think a lot of the energy electricity provisions are going to cause the problem we had in California to be a problem that will be experienced elsewhere around the country while some of these oil companies get richer.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished member of our committee from the great State of Nebraska (Mr. TERRY).

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

Mr. TERRY. Mr. Speaker, I want to thank the chairman for his persistence on this bill. There was a time in conference when passage of this bill looked bleak, but he made sure that it passed. I want to thank the last speaker too, because I too care about energy dependence and our dependence on foreign oil, and I wish that we would have had provisions that allowed us to use more of our own domestic resources. But the people I hear from the other side that talk about energy dependence are the ones that barred us from using public lands.

But let us talk about some of the good things in here that do allow us to be more independent: more use of ethanol; fuel cell for auto technology, $2.1 billion authorized for this new innovative technology; distributive power of fuel cells where we help offset the incredibly high cost of using this new technology; Energy Star program expanded, with a $2,000 tax credit to homeowners that upgrade their windows and doors and other things for their house to become more energy efficient; electrical transmission high capacity wires are used. There is so much in here to reduce our dependence on foreign oil. It is a great bill.

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

Ms. ESHOO. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, I rise in opposition to this conference report. It rewards a huge group of energy interests but, for most Americans and my constituents, it offers nothing but higher prices, higher deficits, dirty air, and increased national security risks.

There are $23 billion in tax benefits for the energy sector. These costs will be directly added to the national credit card. So hold on, Americans. You are getting a big bill.

The costs of the tax provisions, plus other mandates, siphon $137 billion from American consumers and our economy. The bill forces consumers to buy high-priced ethanol, regardless of whether it is needed to improve air quality. California is a good example for this.

The bill provides liability protection for MTBE producers whose product contaminates water supplies. I know that; I am a Californian. We found that out directly. It gives MTBE producers a $2 billion transition fund to help them find a new line of work.

The bill also fails to increase fuel economy standards for cars and SUVs, and refuses to close the $100,000 loophole that you can drive a Peterbilt truck through. It was on the front page of The Washington Post about 10 days ago.

This bill fails to address malfeasance in the electricity industry and, in fact, scraps decades-old consumer protection laws. It promotes deregulation in some areas of the country, and it overrides the role of State public utility commissions, while giving some States, particularly the State of Texas, surprise, surprise, special treatment under the law.

This bill is all about the past, and it embraces the mistakes of the past. It is a yesterday bill instead of a tomorrow policy. I cannot support it, and I urge my colleagues to vote against the conference report. It is a jewel in the crown of those of this administration, particularly the President and the Vice President, whose former profession is celebrated in this bill.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from the great State of Louisiana (Mr. MCCRERY), a member of the Committee on Ways and Means.

Mr. MCCRERY. Mr. Speaker, I rise in strong support of the conference agreement on H.R. 6, particularly title XIII, the Energy Tax Policy Act of 2003.

□ 1545

Since beginning work on this bill in the Committee on Ways and Means more than 30 months ago, my goal has been to create legislation which, in fact, looks forward to the promise and potential of conservation and renewable fuels but recognizes that for the foreseeable future traditional fossil fuels will continue to provide the vast majority of our energy supplies. Our tax policy must also address bottlenecks in the distribution chain, which gets energy to where it is needed, when it is needed.

The tax title of this agreement is a success on all accounts. It extends the current law incentives for the production of electricity from wind and adds several new renewable energy sources, including production from open-loop biomass.

It will encourage automakers to develop more fuel-efficient cars and trucks. It will help promote the use of fuel cells, by both businesses and individuals, as a clean source of power which reduces the load being carried on our already strained transmission grids.

It repeals the 4.3 cent surtax currently charged on rail and barge fuel taxes. It improves the reliability of the energy system by encouraging investment in electric transmission lines, something we hope will prevent another blackout like the one which hit the Northeast in August.

It will extend and expand proven tax incentives for producing oil and gas from nonconventional sources. It encourages investment in technologies which turn coal into electricity more efficiently and with lower emissions.

Finally, it contains incentives which will be of particular benefit to the construction of a pipeline to bring natural gas from Alaska to the lower 48 States.

Mr. Speaker, I urge all the Members to support this very good, comprehensive energy bill.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my colleague from Massachusetts (Mr. MARKEY), and I rise in disapproval of the bill. I am very disappointed in this bill. America faces real problems with its energy needs. We need to reduce our dependence on foreign oil. But instead of pursuing the program of energy efficiency, we here have a bill that pursues the policy of political payback to Republican friends and corporate welfare.

The bill takes us back in time by weakening the Clean Air Act and the Clean Water Act. Why would we do this? Why are we letting polluters make policy? Why, when we have made so much progress, would we go back to weaker standards? I think we all know the answer: Because oil and gas companies find it cheaper to pollute and push off the real cost of their activities to the real people of this country. The citizens will pay more for cleanups and, even more disturbing, will pay more for health care costs, for more asthma treatment, and more for cancer treatment, more for everything.

I must also say that the ethanol special interest subsides in this bill are shameful and talk about special interests subsidies, special interest industry tax breaks. This bill has ballooned from the President's $8 billion tax cut proposal, up from the House's $16 billion tax cut proposal, to a whopping $23.5 billion tax cut proposal of subsidies to the industry. Have we all forgotten the $400 billion deficit we have right now?

I am afraid my Republican colleagues can no longer call themselves fiscal conservatives. Let us increase the debt and push it off so our children and grandchildren can pay it because we are not going to.

I, for one, am sick and tired of coddling polluters. I am sick and tired of sticking the average Joe with the cost of fixing polluters' problems. We should be concerned with conservation, with the environment, with alternate sources of energy. We should try to lessen our dependence on Middle East oil. This bill does none of that and it should be defeated.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from the state of New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I want to congratulate the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Texas (Mr. BARTON) on the great work that they have done on this bill, not only for the energy needs of our country, but, indeed, for the economic needs. As our economy is coming out of recession and growing, a comprehensive energy policy is vital to continue the growth and job creation.

Mr. Speaker, I rise today to ask for a clarification regarding one technical issue of the energy bill conference report. That is an issue related to the definition of a small refiner as it appears in title XV, on Ethanol and Motor Fuels.

Under section 1501 of title XV of the conference report on the energy bill, small refineries are defined as, quote, ''a refinery for which average aggregate daily crude oil throughput,'' unquote, is 75,000 barrels a year or less. Mr. Speaker, is it intended that this definition include refineries which refine crude oil intermediates by cracking or distillation and that have a throughput of below this amount?

Mr. TAUZIN. Mr. Speaker, if the gentleman will yield, it is my understanding that this definition is intended to include crude oil intermediate refiners, as well under the definition included in section 1501 of the conference report.

Mr. FERGUSON. Mr. Speaker, I congratulate my colleagues on a great piece of legislation.

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

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

Mr. FARR. Mr. Speaker, our Nation's hope to be the world leader in clean energy is flushed down the drain with this bill. This bill is about old politics, old oil, old coal. It is about making us more dependent, not less dependent on fossil fuels. It is about tax breaks to the polluting companies. It is about power lines through national forests and offshore oil drilling. It is about removing State and local governments from the planning and conditioning of energy projects in their backyards. It is about opening up the coast of California for oil drilling.

The bill is a slap in the face to innovation and creativity and to alternatives. Wake up, Japan and Europe, this bill hands you the world's future for clean energy technology development. It is a sad day when the United States Congress looks at our energy future by looking in the rear view mirror.

HUNTERS AND ANGLERS AGREE: PUBLIC LANDS PROVISIONS OF THE ENERGY BILL ARE UNWISE

DEAR SENATOR DOMENICI AND REPRESENTATIVE TAUZIN: We, the undersigned organizations, represent millions of hunters, anglers, wildlife and fish professionals and commercial interests, and others concerned about fish and wildlife habitat. The Energy Bill presently in conference between the Senate and the House of Representatives contains numerous oil and gas leasing provisions that could diminish conservation measures on public lands for water resources, wildlife and fish habitats, and scenic landscapes. As you know, informed energy development does not

have to impact fish and wildlife and their habitats on public land.

Public lands are home to some of the most important fish and wildlife habitat and outdoor recreation opportunities in the nation. We urge you to resist reducing protection of the lands and waters that sustain these resources. Specifically, we are concerned about certain provisions within the Oil and Gas title of the bill that may have the effect of elevating energy development on public lands to a dominant use over fish and wildlife, water, recreation, and other multiple-use values. We believe this is both unwise and unnecessary.

Fish, wildlife, and water resources found on our public lands are extremely valuable, and are growing more so each day as private lands become developed. We urge you to ensure that these resources receive the high level of stewardship they deserve, and conservation efforts for them are enhanced, not undermined, by the Energy Bill on which you are working. Thank you for considering our recommendations.

American Fisheries Society.
American Fly Fishing Trade Association.
Campfire Club of America.
Izaak Walton League of America.
North American Grouse Partnership.
Pure Fishing.
Trout Unlimited.
Wildlife Management Institute.
American Sportfishing Association.
International Association of Fish and Wildlife Agencies.
Mule Deer Foundation.
Orion the Hunters Institute.
The Wildlife Society.
Wildlife Forever.

WHY CALIFORNIANS SHOULD OPPOSE THE ENERGY BILL

The Energy bill provides plenty of reasons for opposition. It tramples states rights, punches holes in the Clean Water Act and Safe Drinking Water Act, gives away billions of dollars in special interest pork, and establishes massive pro-pollution subsidies and incentives. It does all this while doing nothing to address the nation's dependence on oil or the threat of climate change.

Californians, in particular, appear to be targeted by this bill. The energy bill lays the groundwork for drilling off the California coast. In fact, one provision would authorize the federal government to issue easements for activities supporting oil exploration and development off the California coast. The bill tilts management of public lands in California toward energy production. The bill requires Californians to provide hundreds of millions of dollars in subsidies to ethanol producers in the Midwest each year. It shields oil companies from liability for having to clean up California groundwater that they are responsible for contaminating. It slants the relicensing of hydroelectric projects in California towards the energy industry by excluding the state, cities, businesses, and Indian tribes from participation in the new relicensing process. And the bill fails to address any of the Enron-style market manipulations that cost California consumers billions of dollars.

The following is a more detailed explanation of some of the reasons Californians should oppose this energy bill.

The Energy Bill Protects MTBE Producers from Liability for Groundwater Contamination.—House Energy and Commerce Committee Chairman BILLY TAUZIN has vowed that the final energy bill will contain a provision that provides liability protection for the producers of the gasoline additive methyl tertiary butyl ether (MTBE). MTBE has been linked to contaminated groundwater supplies throughout the country, and it will cost billions of dollars to clean it up. California has been affected more than any other state. For example, in Santa Monica, 75% of the drinking-water wells are now unusable because of MTBE contamination; in South Lake Tahoe, one-third of the city's 34 drinking water wells have been shut down because of MTBE contamination; and in Los Angeles, San Francisco, Santa Clara Valley, and Sacramento, numerous wells are affected by MTBE.

The form of liability that the bill would remove is precisely the form of liability that has successfully triggered a cleanup of the contamination in South Lake Tahoe. The MTBE liability waiver gives MTBE producers an escape from their financial and cleanup responsibilities, and instead imposes these burdens on taxpayers and local communities. For these reasons it is opposed by the National League of Cities, the U.S. Conference of Mayors, and other state and local officials throughout the country.

The Energy Bill Requires California Motorists to Provide Hundreds of Millions of Dollars in Subsidies to Midwest Ethanol Producers.—The energy bill will contain a requirement that a portion of the price of every gallon of gasoline sold in California will go to ethanol producers, which are located overwhelmingly in the Midwest. California motorists will pay for this ethanol even though in most cases the ethanol will not actually be in the gasoline they purchase. According to the American Petroleum Institute, at full implementation of the program, California would be required to purchase 556 million gallons of ethanol each year, at a cost of hundreds of millions of dollars, even if the state only used a fraction of that amount. The ethanol that California purchased but did not use would likely be used in the Midwest states.

The Energy Bill Tilts Management of 15.1 Million Acres of BLM Land in California toward Energy Production.—Sec. 349 removes the discretion of the Secretary of Interior to deny applications to drill on public lands. While the text is ambiguous, this provision may also apply to national forests. Since the establishment of the BLM, the Department of the Interior has managed BLM land for many uses, including recreation and wildlife protection. Upon receiving an application for a permit to drill, sec. 349 allows the Secretary just 30 days to determine if any additional information is necessary in order to grant the permit to drill. The Secretary is required to approve the application regardless of whether or not the application is inherently flawed. For example, a well may be sited near sensitive areas like streams or steep slopes, where drilling would have impacts that could not be mitigated. This section was in neither the House—nor the Senate—passed energy bills.

The Energy Bill Exempts the Construction of Facilities for Oil and Gas Exploration and Production from the Clean Water Act.—Sec. 328 exempts the construction of facilities for oil and gas exploration and production from the Clean Water Act. The effects in California could be significant. There were over 100 applications for permits to drill and almost 100 new wells in California in 2002. Over 70,000 acres of BLM land alone in California is in producing status. Oil and gas development also occurs on other federal lands, such as National Forests, state lands, and private lands.

The Energy Bill Opens the Outer Continental Shelf to Development Without Even Providing for Consultation with California.—Section 321 would grant very broad authority to the Interior Department to allow activities on the Outer Continental Shelf (OCS) that support energy exploration, production, transportation, or storage. These activities could be authorized even within areas currently protected by congressional oil and gas leasing and development moratoria. This section contains no standards for issuing or revoking easements; does not require consultation with or concurrence of the Secretary of Commerce, which has jurisdiction over the living marine resources of the OCS that could be affected by these activities; and would permit industrial energy facility construction virtually anywhere on the OCS, with few exceptions. This provision does not require Interior to consult with California prior to issuing an easement, let alone involve California in the decision making process.

The Energy Bill Undercuts California's Role in Decisions That Affect Its Coast.—Section 325 undercuts the central tenet of the Coastal Zone Management Act (CZMA)—that states have a right to object to federal activities that adversely affect their coastal zones. The bill would impose unreasonable deadlines on the Secretary of Commerce in ruling on appeals filed against a coastal state's determination that a particular OCS activity is not consistent with that state's coastal zone management program. Such appeals often pose difficult and challenging issues of fact, law, and policy, and the time required to review and analyze them carefully should not be subject to arbitrary and inflexible deadlines. Although there was a bipartisan agreement that addressed this issue in the House, the agreement was discarded in favor of this new provision, which was not passed by either house of Congress. According the California Coastal Commission: ''This provision would severely restrict the ability of coastal states to exercise their right to protect coastal resources pursuant to the federal consistency review provisions of the CZMA that have been in law for more than thirty years. Section 325 would eliminate meaningful state participation in the appeal to the Secretary of Commerce of consistency decisions relative to OCS oil drilling and other federal activities by imposing unreasonable and unworkable time limitations for the processing of the appeal.''

The Energy Bill Designates Rights-of-Way for Pipelines and Transmission Lines across National Forests and Other Public Lands.—Section 351 requires the Secretaries of Interior and Agriculture and other federal agencies to designate new rights-of-way across federal lands in a process that would trump traditional land management planning and environmental reviews. While the federal officials must consult with utility industries, they are not directed to involve the state government, local governments, nearby communities, or the public in this process. Once the corridors are established, the federal agencies, in consultation with utility industries, must establish procedures to expedite applications to construct oil and gas pipelines and electricity transmission lines in these corridors. As there are almost 45 million acres of federal lands in California, this provision could have effects throughout the state.

The Energy Bill Excludes California Citizens, Farmers, Small Businesses, the State, and Indian Tribes from a New Process for Hydroelectric Relicensing.—California has the largest number of FERC-regulated hydroelectric projects in the country. Over 300 dams in California are regulated by FERC. The hydroelectric title of the energy bill will exclude all stakeholders from a new relicensing process except the energy companies that own the hydroelectric projects. In this new process, the energy companies will be allowed to suggest alternatives to relicensing requirements and will be able to pursue them through a ''trial-type'' process that only

they can use. The potential losers are anyone that uses the water, such as municipalities or farmers, the recreation industry (fishing, whitewater), Indian tribes, and the environment. The effects to California of this provision could be substantial. Approximately 70 dams are currently being relicensed and an additional 150 dams will undergo relicensing in the next 10 to 15 years.

The Energy Bill Mandates Approval of a Transmission Line That Is Neither Necessary Nor Cost-Effective in the Cleveland National Forest.—Section 354 requires the Department of Interior and Department of Agriculture to issue all ''grants, easements, permits, plan amendments, and other approvals'' to allow for the siting and construction of a transmission line through the Trabuco Ranger District of the Cleveland National Forest in Southern California. This congressional approval is not contingent on any reviews regarding the need for the project or the environmental impacts of the project. San Diego Gas and Electric has already attempted to get this project approved by the California Public Utilities Commission (CPUC). The CPUC denied the project because it was unnecessary and not cost-effective to ratepayers. In its decision, the CPUC stated:

''The evidence shows that SDG&E will continue to meet their liability criteria until at least 2008, even under the conservative planning assumptions utilized in today's analysis. Therefore, the proposed project is not needed for reliability purposes.

''Because the proposed project cannot be justified on the basis of reliability, the Commission evaluated whether the proposed Valley-Rainbow Project would provide positive economic benefits to SDG&E ratepayers and California generally. The evidence shows that the proposed project is not cost-effective to ratepayers except under the extreme assumptions that six consecutive years of 1-in-35 year drought conditions occur, all new generation available to serve California is located in San Diego or northern Baja California, Mexico, and a major transmission project (Path 15) is constructed in Northern California. Under all other assumptions, the projected costs exceed the projected benefits, thus the proposed project cannot be justified on economic grounds.''

San Diego Gas and Electric appealed this decision, but its appeal was denied.

The Energy Bill Fails to Address the Market Manipulation That Occurred in Western Energy Market.—Republican energy staff have repeatedly made it clear that there is no interest in strengthening the law to prevent the kinds of rampant market manipulation that occurred in 2000 and 2001 in California and other Western states. Although Enron's manipulations are the most well-publicized, FERC and California have documented that other companies, such as Reliant, also blatantly worked to price-gouge consumers. By conservative estimates, California lost over $9 billions to market manipulation. Although 193 members supported the Dingell electricity amendment, which would have prohibited Enron-style market manipulation, the Republicans have been unwilling to include any meaningful protections.

The Energy Bill Limits Competitive Liquefied Natural Gas (LNG) Imports into California.—Due in part to illegal activities by El Paso Natural Gas, which limited competition in California's natural gas market, California endured record-high natural gas prices in 2000 and 2001. These prices in turn drove up the price of electricity from natural gas-fired electricity generation plants, costing California billions. Several LNG facilities are currently in the permitting process in California to allow LNG to be imported from broad. These facilities should help meet natural gas demands in the state while preventing California from being so dependent on one source of gas and avoiding price gouging in the future. Sec. 320 restrains the authority of FERC to require these facilities to be ''common carriers,'' thus allowing the builder of the facility to have a monopoly on any LNG supplies imported.

The Energy Bill Guts California's Ability to Review Natural Gas and LNG Pipeline Proposals Approved by Federal Regulators.—Under the Coastal Zone Management Act, California has the right to review natural gas and LNG pipeline proposals. If the state finds that the proposal is not in the best overall interest of the state, it can reject it. This decision can then be appealed to the Secretary of Commerce, who reviews the entire record—both the federal approval and the state's rejection—in deciding the appeal. However, if Sec. 330 is enacted, the only information that would go to the Secretary would be that compiled by federal regulators, which is essentially the information supporting their approval of the project. Information supporting California's rejection will not be part of the appeal record. The Secretary's decision would be made from a limited record, skewed toward development and away from coastal protection.

This provision is completely unnecessary. Since enactment of the CZMA, thousands of these types of projects have been reviewed. Yet only 15 projects have resulted in appeals to the Secretary. Seven appeals decisions supported the states' position, seven supported industry, and one was worked out to the satisfaction of all parties.

The Energy Bill Requires the Department of Energy to Examine the Feasibility of Building New Nuclear Reactors at DOE Site in California—Section 630 requires the Department of Energy to examine the ''feasibility of developing commercial nuclear energy generation facilities at Department of Energy sites in existence on the date of enactment of this Act.'' The term ''Department of Energy sites'' is undefined in the legislation, but DOE has a number of presences in California. For example, Lawrence Berkeley National Lab (Berkeley, CA) and Lawrence Livermore National Lab (Livermore, CA) are both DOE labs. The Western Area Power Administration (Folsom, CA) is a self-contained entity within the Department of Energy, much like a wholly owned subsidiary of a corporation. The Western Area Power Administration also owns shares of major transmission lines in California.

Requires an Inventory of Oil and Gas Resources off the California Coast.—Section 334 includes a provision that was unanimously repudiated by the House and not included in the Senate bill. It requires the Interior Department to inventory the oil and gas resources of the entire Outer Continental Shelf (OCS), including the protected moratorium areas, and requires that the Secretary report to Congress on impediments to the development of OCS oil and gas, including moratoria, lease terms and conditions, operational stipulations, approval delays by the federal government and coastal states, and local zoning restrictions for onshore processing facilities and pipeline landings. This section provides a foundation for an attack on the moratoria, as well as on the rights of coastal states and local governments to have a say in offshore development and related onshore industrial development. This section conflicts with the OCS protections initiated by President George H.W. Bush in 1991 and extended by President Clinton, as well as with the bipartisan congressional moratorium that has been in place for more than two decades. This section was eliminated from the House bill by the adoption of the Capps amendment on the House floor. At the time, both Chairman Pombo and Chairman Tauzin committed not to reinsert the language in conference. This provision was not in the final Senate bill either. It is unclear whether it will be in the final bill.

In opposing the provision the California Coastal Commission has stated: ''The provision seriously undermines the longstanding bipartisan legislative moratorium on new mineral leasing activity on submerged lands of the OCS that has been included in every Appropriations bill for more than 20 years. Moreover, the Section 334 would allow for use of 3–D seismic technology that has been found to have adverse affects on marine mammals, as well as threaten the viability of commercial fishing. The effect of Section 334 is to weaken the prohibitions on development off the California coast that were first put in place in 1990 through executive order by President George H.W. Bush and then extended to the year 2012 by President Bill Clinton.''

Mr. TAUZIN. Mr. Speaker, I am honored to yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the distinguished majority leader of the House, for whom this conference owes a debt great of gratitude for his help and support.

Mr. DELAY. Mr. Speaker, after a very long and important debate, the American people will finally, finally get a comprehensive energy policy worthy of the challenges that they face. Everyone on both sides of the aisle and both sides of the Capitol deserves to be commended for the tireless work that they have put into these last several weeks and, actually, the last 2 years.

The gentleman from Louisiana (Mr. TAUZIN) has done an outstanding job. We owe an incredible debt to the gentleman from Louisiana and the gentleman from Texas (Mr. BARTON), my friend from Texas, who has worked extremely hard. We appreciate the Senators that have worked on this too.

And certainly the staff, all these people have worked to finish this bill, and they have worked to give rise to the occasion and produce a creative, intelligent and comprehensive policy for the American people.

The bill addresses a host of issues without losing sight of America's basic need for new, independent, and reliable sources of energy to support our information age economy. Today our economy is poised for a tremendous recovery with incomes rising, companies hiring, and new businesses and jobs being created. But without the energy production and distribution and security provisions outlined in this bill, the growth that we need and deserve will falter.

America needs this energy bill. Today we are too dependent on foreign oil. This bill will generate new production of energy within the United States sufficient to reduce that dependence and thereby reduce unsavory regimes' influence over America's economic health.

Today we are using an outdated electricity grid whose reliability has been seriously undermined by the major blackout this summer. This bill will establish new reliability standards for

that grid and improve the system by which energy can be transported from one part of the country to another. The bill makes unprecedented investments in renewable energies and alternative power sources.

So, all told, these reforms will create jobs, spur investment and competition, improve homeland security, and address the long-term energy needs of the American people.

Mr. Speaker, America is the greatest engine of freedom, security, and prosperity in the world today. And this bill will provide that engine with the fuel that it needs to lead our Nation and the world into the future. I urge all our Members to support it.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I agree with the previous speaker that the citizens of this country need and deserve a forward-thinking energy policy, although the bill before us fails miserably in that regard.

This bill is ultimately a waste of taxpayer's money and a waste of the consumer's dollar. The bill was tainted by the fact that it was developed by a small group of people under private circumstances, and ultimately the bill was finished in that fashion.

This was not just about Democrats and Republicans, it was ultimately about shutting out the public and, as a result, giving the private interests here in Washington a greater hand in the writing of this bill. As a result, we as a country will suffer.

There are legitimate aspects of this bill that the chairman worked hard to put in there. I support the tax incentives for more deep water drilling in the central and western Gulf of Mexico. I commend the chairman in ultimately keeping his word and not pursuing the moratorium in the eastern Gulf of Mexico. But the sum result of this bill is that we, as taxpayers, we as consumers, are by way of subsidies and by way of tax breaks in excess of $23 billion, simply paying industries to do what they were already doing, what they already would have to do to earn a profit.

Let me just cite to you one example. This bill includes a massive, unprecedented mandate of the use of ethanol strictly to enrich certain companies, certain parts of the country at the expense of consumers throughout the Nation. The EPA and a staff white paper study some time ago estimated that this mandate could increase by as much as 15 cents per gallon today's ethanol prices.

This is simply one example of the painful price we, as consumers, will pay at the pump as a result of a reckless bill that is a waste of money and a missed opportunity to develop a forward-thinking energy policy that could have moved this country forward.

Mr. TAUZIN. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce Energy Subcommittee to whom so much of this bill holds its origin and support.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I want to thank the gentleman from Louisiana (Mr. TAUZIN) for his strong leadership and excellent work in this. He is to be commended for one of the most important bills that is going to pass this Congress.

Mr. Speaker, I would like to engage the chairman in a colloquy regarding two important elements of the conference agreement subtitle A of title XV regarding ethanol and motor fuels. I note that the conference report includes authority to prohibit use of methyl tertiary-butyl ether in gasoline, or MTBE.

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

Mr. BARTON of Texas. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the gentleman from Texas (Mr. BARTON) is correct. That authority is in section 1504. It is intended that the Administrator of the Environmental Protection Agency have the authority to prohibit the use of MTBE in gasoline after December 31, 2014. Prior to this time, under section 1505 the National Academy of Sciences shall conduct a review of the use of MTBE in 2013 and 2014. This study is to inform regulations to enact the allowed prohibition on MTBE as well as to inform the President who retains power, under section 1505, to not ban MTBE.

Mr. BARTON of Texas. Mr. Speaker, I also understand that the renewable fuels definition under section 1501 of the conference report includes ethanol tertiary-butyl ether, or ETBE.

Mr. TAUZIN. Mr. Speaker, the gentleman is correct again. ETBE is included within the definition of a renewable fuel. The conference report attempts to provide maximum flexibility to the refining marketplace to achieve the goals of both the new renewable fuels requirement and, therefore, ETBE is both defined and afforded all the advantages of a renewable fuel under Title XV.

Mr. BARTON of Texas. Mr. Speaker, there are some bills that come before this body that are showhorse bills. They are full of glitz and glamour and lots of slogans and sloganeering. Some bills that come before this body are workhorse bills. They are full of common sense and solutions. This is a workhorse bill. It is full of solutions, not a lot of glitz and glamour in the bill.

If we look at our energy sources, we see that in the conventional sources, whether it is oil, gas, coal, nuclear or hydro, we have real solutions. We increase the strategic petroleum reserve for oil to 1 billion barrels. We authorize up to $18 billion in loan guarantees to build the Alaska natural gas pipeline for the natural gas industry. We have the most extensive set of clean coal technology credits for coal that we have ever put before this body in terms of a tax package for clean coal. We have the most fundamental reform of our hydro relicensing procedure in over 30 years. And over half of our hydroelectric dams are up for renewal in the next 5 years.

□ 1600

Those are solutions. They are not slogans.

If you look at renewables, we have unlimited authorization for credits for wind and solar power. That is a solution, not a slogan.

If you look at the new alternative fuel, hydrogen, we have the President's hydrogen fuel initiative in this bill. We have the goal of having a hydrogen-fueled car available in the marketplace by 2015. That is a solution, not a slogan.

If you look at structural reforms, turn to the electricity section of our bill; we have the most fundamental transforms in transmission we have ever had in any before this Congress in terms of electricity. We have incentives for transmission pricing. We have the creation of regional transmission organizations. We have a good compromise on participant funding, a good compromise on protective native low. Those are solutions, not slogans.

We have mandatory reliability for electricity. That is a solution, not a slogan. For the first time ever we have Federal backstop authority for siting of new transmission lines. That is a solution, not a slogan.

We turn to the environmental section of the bill. As the gentleman from Ohio (Mr. GILLMOR) has already pointed out, we have the first comprehensive form of the LUST bill, the Leaking Underground Storage Tank bill. We are actually going to require the States to go out and inspect these underground storage tanks every 3 years. That is a solution, not a slogan.

I could go on and on, Mr. Speaker; but I will simply say this: if you want a slogan, vote ''no.'' If you want a solution, vote ''yes.'' This is a good bill.

Mr. MARKEY. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. EMANUEL).

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

President Kennedy once said, To govern is to choose. And we are now about to spend $23 billion on tax credits for the energy industry. With $1.8 billion we are spending on clean coal, we could raise the maximum Pell grant benefit to $4,500, making college affordable for an additional 200,000 families. In fact, with the $11.9 billion subsidy for oil and gas companies for production, we could even double our Nation's total investment in Pell grants. For the $2.2 billion we are spending to develop hydrogen technologies, we could extend the $4,000 tuition deduction for higher education for an additional year.

I oppose this bill because it is a giveaway to the energy industry.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA), a member of the committee.

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

Mr. Speaker, I want to engage in a colloquy with the chairman of the House Committee on Energy and Commerce regarding section 1211 of the conference report, which adds a new section to the Federal Power Act, entitled, ''Electric Reliability Standards.''

Section 1211 provides for the establishment of mandatory reliability rules for transmitting electricity. The blackout of August 14 of this year clearly demonstrates the need for such rules. Following the blackouts of 1965 and 1977, New York implemented its own reliability standards for New York City.

Any disruption in electricity in New York City can have devastating effects, as we saw, not just on the daily lives of city residents, but for the economy of the entire Nation.

It is my understanding of the new section 215, subsection (i)(3) of the Federal Power Act is not meant to prohibit State or regional entities from adopting more stringent reliability standards, such as those in effect for New York City, as long as such action does not result in lesser reliability outside the State or region than that provided by the Electric Reliability Organization reliability standards. Is that correct?

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

Mr. FOSSELLA. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the gentleman's understanding is perfectly correct.

Mr. FOSSELLA. Mr. Speaker, I thank the chairman for the clarification and his leadership in developing this important piece of legislation.

Mr. MARKEY. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts (Mr. MARKEY) has 6½ minutes remaining. The gentleman from Louisiana (Mr. TAUZIN) has 5½ minutes remaining.

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

Mr. Speaker, this bill is a historic failure. Our country has 3 percent of the oil reserves in the world; 75 percent of the oil reserves in the world are in the Middle East. We put 70 percent of all the oil we consume in our country into gasoline tanks. This bill does nothing about the ever-increasing percentage of the oil which we consume that goes into gasoline tanks.

It is a disservice to those 130,000 young men and women who are in the Middle East right now fighting to protect the flow of oil into the Western industrialized countries. This bill does nothing to protect against that.

This bill harms the environment. This bill will weaken the Clean Air Act, weaken the Clean Water Act, increase the number of children with asthma. Eight million have asthma today. It increases as each year goes by. Twenty-four million Americans have asthma. Other respiratory illnesses increase as each year goes by.

This bill will increase pollution. It will increase the amount of damage to the environment. It does nothing to help on the global warming issue. It is without question the single worst environmental bill of all time. And in addition to that, it gives enormous subsidies to industries across America. It gives subsidies to the oil industry, the gas industry, the coal industry, the nuclear industry. It at the same time underfunds conservation, renewables. It is a complete distortion of what the agenda for our country should be as the years move along.

With regard to fuel economy standards, this bill includes a $100,000 subsidy for Hummers. The Senate took it out last night. But the Republicans in the House insisted that a $100,000 subsidy for the purchase of Hummers remain in the bill. That is all you have to know about this bill, because we put 70 percent of all the oil we consume into gasoline tanks. They could not repeal it last night. They did not think there was time. Maybe we will do it next year, they said.

Well, in addition, they did not think it was the right time to do anything about air conditioning standards. We use about 70 percent of all peak electricity in the summer to put into air conditioners. Nothing in the bill on that. On computers, we have about 200 million of them in America. We could have mandated the improvement of efficiency and electricity consumption in computers. That would have saved about 30 new large coal or natural gas plants from being built. Air conditioning would have saved about 40 new plants.

There was a renewable portfolio standard mandating that utilities have to use renewable energy for about 10 percent of their electricity generation. That would have saved 156 new power plants from being built, large power plants. But the Republican majority in the House stripped that out yesterday as well. Air conditioners, Hummers, computers, renewables, all of it out that could have made a huge difference in reducing our dependence on import oil.

We import about 60 percent of all the oil we consume today. This bill does nothing about that problem. In another 10 years we will be up to 80 percent of the oil that we consume being imported. There will be irresistible pressure as generation after generation of American young men and women are sent to the Middle East to protect those oil supplies.

It is an environmental disaster. It is a public health disaster. It is an energy policy disaster. This bill on all fronts is the worst bill to come before Congress in a generation given the challenge from Iraq in the Middle East that we are confronted with.

And on electricity, there are sensible justifications for moving at this time. There is no antifraud protection built into this bill. It actually directs the Federal Energy Regulatory Commission to raise electricity rates. And it repeals PUHCA, the Public Utility Holding Company Act, which is an invitation to Enron-like scandals, making that scandal look like child's play in the years ahead. This bill is a historic failure.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. JOHN) who understands this is a great energy bill for America's future.

Mr. JOHN. Mr. Speaker, I rise in support of this very balanced bill, and I think that is a very important point, that this bill is about balance. I just wish that maybe this process would have been a little more balanced. But notwithstanding any of that partisanship, this bill is important.

This bill to me and to America is about jobs. This is a jobs bill. Is it a silver bullet that will help our economy? No. But this is a shot in the arm for an economy that today is in desperate need of jobs. And it will go a long way into something that we are most vulnerable to and that is energy security.

This bill is very balanced from conservation measures that deal with the demand side to the production side and from the supply.

Two items in the bill that are very important to me. I am very pleased that we have the Shallow Shelf Deep Gas legislation that I worked on with the gentleman from Louisiana (Mr. TAUZIN) to start dealing with the price of natural gas. That is about jobs.

We are losing jobs in America every day because of the cost of natural gas.

Finally, the coastal impact assistance. Louisiana and other coastal States deserve their break and their fair share. I support this legislation.

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

Mr. Speaker, like any conference report of this magnitude, as a committee chairman you cannot ever do it alone. There are far too many people to thank, and I apologize for that; but let me single out a few people.

The subcommittee chairman, the gentleman from Texas (Mr. BARTON). He has done an amazing job for this House and for this country and deserves a great deal of thanks. I want to thank my good friend, the gentleman from Michigan (Mr. DINGELL). I suspect we will not be voting the same way today, but in every step of the process he has been a gentleman. He has earned, as he always does, my great respect and admiration.

I want to thank the gentleman from Virginia (Mr. BOUCHER), a member of our committee, the ranking member on

the Subcommittee on Energy whose keen intellect is only exceeded by his desire to work for bipartisan solutions. He spoke today in favor of this bill.

I want to thank my fellow committee chairmen. We had a remarkable 10 committees of outside jurisdiction in this conference. That is without precedent. And without their cooperation we would not be here today.

Let me thank the staff. For 3 years now we have lived and breathed energy, and they have lived and breathed it with us. First of all, staff director Dan Brouillette; chief energy counsel, Mark Menezes; my own staffer, Garrett Graves; Bob Meyers, Bill Cooper, Andy Black, Jason Bentley, Sean Cunningham, Jerry Couri, Kelly Zerzan, Dwight Cates, Jim Barnette, our counsel, Kathleen Weldon, Jennifer Robertson, Jackie Lissau, Mary Ellen Grant and Peter Kielty.

These staffs burn more midnight oil than you can imagine. They deserve the great gratitude of this House and this Nation.

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

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

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from Massachusetts (Mr. MARKEY) for yielding me time. I commend him for his exceptional service to this Congress and this country on issues that relate to energy and the environment. He has been a champion for clean air, clean water, and reducing our dependence on foreign oil. The list goes on and on. We are all deeply in his debt. Indeed, everyone who breathes air and drinks water in this country is deeply in his debt.

Mr. Speaker, I came to the floor earlier today and told the story about the disgraceful Medicare bill that we will be doing later this week in which House Democrats were shut out in favor of a back-room deal.

Sadly, this energy bill is more of the same. While House Democrats were excluded from the deliberations on this bill, they were not allowed to participate in the conference. The Vice President of the United States and the Halliburton crowd had a seat at the table.

□ 1615

Republicans met behind closed doors to write this bill, shutting out House Democrats and the 130 million Americans we represent, while the special interests had special access. It is just not about the quantity, the number of Americans shut out. It also is about the diversity and the quality of the people who were shut out.

When House Democrats do not have a seat at the table, a seat is excluded to the members of our Congressional Black Caucus, our Congressional Hispanic Caucus, our Congressional Asian Pacific Caucus, our large Women's Caucus. The list goes on and on of the diversity that we have in our thinking. The benefit of the thinking of a caucus of that diversity should not be lost in any legislation that we put forth.

Whether my Republican colleagues like it or not, that diversity represents the future, and you shut out the future from the table. That is why you have a bill that looks back. You have a bill that could have been written in the 1950s, and it is a missed opportunity.

The energy bill is almost 1,200 pages long, but Democrats were not allowed to see the text until Saturday, and here we are, 3 days later, voting on the most comprehensive overhaul of energy policy since 1992. Now that we can see the bill, we know why the Republicans wanted to hide it. It is loaded to the brim with special interest giveaways. It puts the special interest before the public interest.

Yes, there are a few table scraps thrown toward clean energy resources and technologies, but for the most part, the bill will allow big energy companies to feast on a buffet of new tax breaks. It will cost Americans more than $142 billion over the next 10 years.

How bad is this bill? So bad that the CATO Institute, not known as a Democratic institution, so bad that the CATO Institute joined the Sierra Club in saying, in a rare moment of agreement, this bill is three parts corporate welfare and one part cynical politics.

Meanwhile, this bill does not provide the sound energy policy we need. The American people deserve an energy policy that is worthy of the 21st century, not one mired in the policies of the past, but this bill looks backward, not forward.

This bill will not reduce our dependence on foreign oil. It will make it harder to increase fuel efficiency standards. It does not adequately invest in new technologies and promote energy efficiencies. It will not protect average Americans from price gouging and fraud, and it throws environmental concerns overboard.

Just look at what this bill does to the environment. It waives the Clean Water Act for construction of oil and gas facilities. It waives the Clean Air Act in communities that are blanketed with smog, hurting millions of children. It waives the Safe Drinking Water Act to allow injection of diesel fuel into the water table, and it allows the gasoline additive MTBE to remain in use for years to come, even though it pollutes drinking water and is a suspected carcinogen. The bill even makes sure that the MTBE industry will not have to pay to clean up water it has contaminated. It has held them harmless for the damage that they do. That burden will fall on the people already suffering its effects.

Mr. Speaker, it is no accident that we are voting on this energy bill in the final days before we adjourn. The Republicans did not really want the American people nor the Members of Congress to see what was in this bill. When Americans learn what is in this bill, they will be offended, and they will be disappointed.

This Congress had the opportunity to craft an energy policy that would boost the economy, reduce our dependence on foreign oil, clean up the environment and protect public health, but instead, we have before us an energy policy that looks to the past, not the future, and gives away huge, unnecessary tax breaks to the Republicans' special interest friends.

A vote ''no'' on this bill is a vote in the public interest. A vote ''yes'' is a vote for the special interest. I urge my colleagues to support the public interest and vote no.

Mr. TAUZIN. Mr. Speaker, I am honored to yield the balance of the time to the gentleman from Illinois (Mr. HASTERT), the distinguished Speaker of the House, a gentleman who has led our House with fairness, dignity and civility for many years now.

Mr. HASTERT. Mr. Speaker, I thank all the folks who have worked for months and years to bring this bill to fruition. During that period of time, we have seen oil prices go up and down in this country. We have seen a dependence on foreign oil of almost 72 percent of all the petroleum that comes in this country from overseas. Twenty-seven percent of that oil comes from a country called Saudi Arabia.

We have seen blackouts in this country, in California and New York. We have seen natural gas prices go up and down, but on the way up because we do not have the infrastructure, the pipelines and the grids to be able to move our natural resources and our commodities across this country.

We have the wherewithal to solve these problems. We have the ability to move our energy across this country. We have the engineering potentials. We have the engineers. We have the ability to build and solve problems, but we need the legislation to make it happen, and this legislation helps that come to a reality.

I want to rise in support today of this conference report on the Energy Policy Act of 2003. First of all, I want to thank the gentleman from Louisiana (Chairman TAUZIN) and all the House conferees for their work in producing this much-needed legislation.

I think of the problems that we have before us, and I have listened to some of the debate before about what this bill does not include. There are some things that this bill does not include. Probably some of the richest oil reserves that we have in this Nation are not included in this bill, maybe for good environmental reasons, maybe for fear that we do not have a reason to fear, but it is not in it. Maybe that is a good thing, maybe it is a bad thing, I do not know, but it is not here.

So we have to find ways to make up for it. We have to find new ingenuity, new ways, new engineering ways to find the great willpower and the science and the American people that we can find new ways to bring energy

into our homes and into the vehicles that we use to create the transportation, to move people from place to place, to move the products that creates our commerce.

America does need a fair, a balanced, and a comprehensive energy policy now and not later. It is about our peace of mind. It is about our daily security and our energy security, our economic security and even our national security.

Over the past years, Americans have experienced the effects of overburdened and out-of-date energy systems. We have seen high prices at the gas pump, staggering home energy bills, and many of our citizens have been victims of no power at all, and this has cost our Nation billions of dollars and our economy thousands of jobs.

Congress needs to act to meet this need. America must have a comprehensive energy policy that will provide access to more efficient, affordable and environmentally friendly energy. Just as important, this bill will deliver nearly a million new jobs as we update and upgrade our energy infrastructure.

The Energy Policy Act helps meet America's energy needs by improving our electricity system. Everybody here can remember the blackouts just this last year of August 14. This bill helps ensure that that does not happen again. It mandates enforceable, reliable standards that provides incentives for transmission grid improvements, and it makes it easier to site new transmission lines. These reforms, coupled with additional investment in our aging transmission system, will increase the reliability of our Nation's power grid to help future blackouts.

This bill also goes a long way toward reducing our dependence on foreign oil and increasing our dependence on homegrown, renewable fuel sources.

I am pleased that the energy policy conference report includes a renewable fuel standard. It increases the use of renewable fuels such as ethanol. This helps certainly the potential that this Nation has to find new sources and renewable sources, and one other thing that would be a great remiss if I did not mention.

The gentleman from Texas (Mr. BARTON), the chairman of the subcommittee who worked diligently, who had nothing to gain in these bills, worked hard to make sure that these provisions were in the bill. I appreciate that. He did a great job and made sure that all of the interests of this country and all of the interests of people who had the ability to do great things were included in this bill, and I thank him for that effort.

This bill also provides significant incentives for clean coal technology. Coal is vital to our Nation's economy. Fully one-half of our electricity comes from coal, and we have 250 years worth of reserves. This bill makes important investments in coal-based research and development that focuses on new technologies to significantly reduce emissions. It offers incentives for existing coal plants to purchase advanced air pollution control equipment, and it also ensures that clean coal will continue to play a major role in America's future energy needs but will do so with vastly-reduced air emissions.

This fair and balanced bill also helps provide our future energy needs while protecting the environment. The Energy Policy Act launches the state-of-the-art programs that have emission-free hydrogen cell fuel vehicles on the road by 2020. It improves the regulations governing hydroelectric dams to allow more hydroelectric generation. It provides grants to State and local governments to acquire alternative-fueled vehicles, hybrids, and ultra-low sulfur vehicles.

Finally, it takes steps to reduce greenhouse emissions by offering financial incentives for the production of electricity from renewable and alternative fuel sources such as wind, solar, biomass and geothermal.

We certainly cannot overlook that the Energy Policy Act is also about jobs, specifically securing the future of current workers and creating new jobs for the next generation. Investment in our Nation's energy infrastructure means putting Americans to work. While this bill will create nearly 1 million jobs nationally in our manufacturing, construction, agriculture and technological sectors, in my own home State it means 146,000 new jobs will be added to farm fields, factory floors and laboratories.

This bill is fair and it is balanced and it is comprehensive, and it is good energy policy, and I hear the complaints on the other side of the aisle, it is huge investments. To have good energy policy, we have to have investment. We have to put capital where capital can be an investment and we can make change.

This bill does exactly that. This bill will make a difference. This bill is bold. It is the right thing to do, and I would congratulate the sponsors. It is time to move it. It is time to make a difference in this country. Let us pass it.

Mr. BUYER. Mr. Speaker, I rise in support of the Energy Policy Act of 2003. Overall, this bill is the blueprint our Nation needs to get us on the road toward greater energy security. It addresses the energy issues in a broad based and strategic manner to build the necessary diversified portfolio of energy resources for our country. For the first time in over a decade it sets a course for a national energy policy.

I commend President Bush for his leadership on this issue as well as the efforts of Chairmen TAUZIN and BARTON and the conferees for their hard work. This bill addresses many of the most serious energy challenges facing our country.

It balances our need to increase supplies with the need to promote conservation.

It improves our production and distribution infrastructure, while stimulating the development of alternative an renewable sources.

It strengthens our national security by reducing our dependence on foreign sources.

And it helps those having trouble paying ever-higher energy bills.

But Mr. Speaker, I'm also disappointed. There is more that could have been done to increase domestic production by tapping into sources such as those in Alaska's northern slope, western lands, and rich gas fields sitting off our shores. There are still more issues to be addressed such as the need to increase the use of other sources of energy, in particular nuclear power, the upgrading of the electric lines of the grid, and to improve our pipeline infrastructure and increased our refinery capacity. While I am relieved to finally pass an energy bill in the 108th Congress, we should not lose sight of the fact this legislation is only the beginning.

I look forward to building on the work done today. I urge the adoption of the conference report.

Mr. SHAYS. Mr. Speaker, protecting our environment and promoting energy independence are two of the most important jobs I have as a Member of Congress. Unfortunately, the conference report before us today represents a real missed opportunity to reduce our dependence on foreign oil, promote energy efficiency and conservation, and improve our air, land and water quality.

For decades, our country has lacked a national energy policy. While I did not agree with the Administration's energy plan, I was grateful President Bush put forward a comprehensive proposal. The President's energy plan was superior to the severely flawed bill before us today.

We had a chance to devise a forward-looking energy policy that would have increased fuel efficiency, made polluters, including MTBE producers, pay for harming our environment, and advanced a renewable portfolio standard. Instead what we have is quite a bad bill.

Instead of creating a balanced energy policy that provides incentives to make renewable energy more affordable and widely available, we are making fiscally irresponsible and environmentally-reckless decisions for the benefit of a few profitable industries that don't need this kind of help from taxpayers.

I fail to understand why the major thrust of the bill's tax provisions involve further subsidizing the fossil fuel industry, rather than providing incentives for conservation and renewable sources of energy. These are enormously profitable industries operating in a time of record energy prices. Clearly, these profits demonstrate the market has already provided the fossil fuel industries with sufficient incentive to increase production.

I strongly oppose a provision in the bill that allows for the permanent activation of the Cross Sound Cable. In doing so, the bill subverts the regulatory process and ignores sound environmental policy regarding the depth at which the Cable should be buried.

In addition to its environmental shortsightedness, I also oppose provisions in this bill related to the transmission of electricity. For instance, the Energy Policy Act allows the Federal Electric Regulatory Commission [FERC] to preempt state siting authority when it is determined that a high-voltage power line is of ''national significance.'' The fact is FERC arbitrarily gets to make that determination.

I look forward to the day when we will have an opportunity to vote for a fiscally-prudent, environmentally-responsible national energy policy. Today is not that day.

Ms. KILPATRICK. Mr. Speaker, one Republican more accurately characterized H.R. 6,

the Energy Policy Act, as the ''No Lobbyist Left Behind bill.'' This bill gives $20 billion in tax breaks and subsidies to the oil, gas, coal and nuclear industries. No one has had a chance to look over this bill. I read from the papers that the bill is more than 1,700 pages in length. You can believe that there are many provisions contained in this bill that the other side does not want the public to know. So what better way to disguise this bad legislation than by burying it inside of 1,700 pages.

This bill is bad for our national security—it facilitates the proliferation of nuclear fuel. It reverses a long-standing prohibition on the reprocessing of spent fuel from commercial reactors. It promotes, through the Department of Energy's Advanced Fuel Cycle Initiative, joint nuclear research efforts with non-weapon states, and encourages the advancement of advanced nuclear weapons systems.

This bill encourages production over conservation. The conservation provisions are estimated to amount to only 3 months of U.S. energy consumption between now and 2020.

This bill is bad for consumers as it repeals the Public Utility Holding Company Act (PUHCA). The PUHCA protects consumers by limiting the size and scope of utility companies and subjecting utility holding companies to Securities and Exchange Commission (SEC) regulation. PUHCA also required revenues from utility ratepayers to go into electric infrastructure maintenance, instead of risky financial investments like we saw in the Enron case. In fact, it was PUHCA that kept Enron from owning more than one electric utility and prevented their bankruptcy from affecting more utility customers. Repeal of PUHCA would allow venture capitalists to put utility ratepayers into almost anything they wanted.

The conference agreement is also bad for the environment. The bill exempts the construction activities at oil and gas drilling sites from compliance with the Clean Water Act. Clean air requirements are relaxed in order to delay reductions in smog pollution. A process to extract oil and gas trapped underground by injecting chemical solutions is exempted from the Clean Water Act. The ability of States to protect their coasts and beaches from energy development projects is weakened.

A provision inserted by the Republican Leadership exempts manufacturers of MTBE, Methyl Tertiary-Butyl Ether, from liability resulting from ground water contamination. Not only does the bill release MTBE manufacturers from limited liability but also rewards those companies with $2 billion in federal aid. So the bill shifts a potential $29 billion clean up cost from MTBE manufacturers to taxpayers and water customers. This bill turns the concept of ''the polluter pays'' on its head.

Finally, H.R. 6 does little to enhance our domestic energy security and lessen our dependence on foreign oil supplies. America has only 3 percent of the world's oil reserves; whereas, countries affiliated with the Organization of Petroleum Exporting Countries [OPEC] control more than 70 percent of the world's reserves. As was previously cited in today's debate, America is a technological giant. But instead of investing in our ingenuity to make us a country that is more efficient in its usage of energy resources, this bill assumes we can fulfill our energy needs by drilling for more oil and natural gas supplies and excavating our way to energy independence.

The bill represents a failed promise for energy consumers. They will be asked to pay more in energy costs as well as provide subsidies to the energy industry. At the same time, Americans are asked to sacrifice their environmental responsibilities and surrender their rights as energy consumers. This is a bad deal for my constituents in Detroit and southeast Michigan. It is a bad deal for America, and I urge my colleagues to vote down the conference agreement that has been handed to us.

Mr. TOWNS. Mr. Speaker, while I intend to support the Energy Conference Report, I want to emphasize the importance of flexibility in the new section, to the Federal Power Act, section 16031 on Electric Reliability Standards. Given the recent ''blackouts'' in areas like my home State of New York, it is critical that State or regional entities not be prohibited from adopting more stringent reliability standards as long as this action does not result in lesser reliability outside the State or region than what is provided by the Electric Reliability Organization's reliability standards. I recognize that compromise was needed to bring this bill to the floor today but I do not believe that reliability is an area where our standards can or should be reduced, particularly in areas like New York where reliability is so critical to preventing future blackouts.

Mr. STARK. Mr. Speaker, I rise in strong opposition to this final Energy bill. It's fiscally irresponsible, unfair to consumers and a threat to our health and environment. It provides too little for conservation and clean, renewable energy sources. And it won't reduce our dependence on foreign oil or lower energy costs for consumers as Republicans have claimed.

No matter the Republican rhetoric, this isn't smart energy policy. It doesn't reflect forward thinking. It isn't the result of thoughtful debate or bipartisan cooperation. Democrats were shut out as this backroom deal was cut by special interests on the backs of American taxpayers. And as they say, to the winner go the spoils.

This bill is nothing less than a special interest giveaway piled high with huge corporate tax breaks totaling $23.5 billion. Half of these go to the oil and gas industry alone despite huge profit margins and a robust energy market where crude oil prices have risen over $30 a barrel. But, there are also tax breaks for renewed development of nuclear power and subsidies for the production of so-called ''clean coal''—an oxymoron if I ever heard one.

With all this money for pumped up fossil fuel production, what about conservation? After all, that is a critical piece of reducing energy costs and ending dependence of foreign oil. Well, this conference agreement falsely claims to provide $9 billion in tax incentives for energy conservation. But, consider what this is for: the repeal of the excise tax on diesel fuel used for railroads and inland waterway barges; a tax credit for nuclear power production; and an extension of energy production credits. I'd call that conserving corporate profits, not energy.

So what about clean renewable technologies such as wind and solar power? Well, to use the words of the lead Senate conferee in opposing subsidies for renewable energy, ''You will be sick of seeing windmills in about 10 years.'' Well, most Americans are sick of the kind of pollution big oil companies put into our air and water or the way drilling can destroy our oceans and wilderness.

Make no mistake, it is the oil industry that makes out big under this bill. And don't think these Republicans hold these big energy corporations any more accountable with all these subsidies. They expect less—not more—from industry when it comes to protecting our air and water. Consider the byproducts this Republican Energy bill is dumping on the American people:

Under one special interest provision, the EPA is barred from taking enforcement actions under the Clean Water Act against Halliburton and other oil companies for using a drilling technique known as hydraulic fracturing. This process speeds up oil extraction by shooting diesel fuel into the ground, allowing this fuel and its cancer causing agents to leak into underground aquifers and contaminating drinking water supplies.

Oil companies are exempted from the Clean Water Act's so-called waste-water runoff rules allowing them to pollute our Nation's waterways with industrial byproducts. Another provision allows these and other energy producers to flaunt the Clean Air Act by delaying deadlines for compliance with air quality standards in certain, select areas in which they operate. This means that clean air standards will be weakest in the areas in which air pollution is the worst.

But, that's not all.

Local taxpayers get stuck with the bill for cleaning up pollution caused by the fuel additive MTBE, which the National League of Cities estimates will cost $30 billion. This is a serious problem in my State of California. But, in a recent study, the U.S. Geological Survey found that nearly 55 percent of all urban water systems have been polluted by MTBE. Yet, Republicans are exempting oil and gas companies from any liability for the drinking water contamination caused by their fuel additive.

That simply isn't fair to the cash-strapped local communities that will have to bear this burden. Nor is it responsible to threaten the health of every American as expensive cleanups are further delayed without the resources to carry them out. I believe we ought to hold these corporate polluters accountable, especially as Republicans dole out huge subsidies to the oil and gas industry that is responsible for this mess.

Now, you may be asking yourselves then, what exactly do Americans get in return for all this pork and swindle? Cheaper gas prices? Cheaper electricity? Hardly.

The Republicans fail to take a stand to protect consumers against exorbitant energy prices or fraudulent pricing schemes. Given the billions Enron swindled from consumers in California, this ought to be a top priority. But lo and behold, the Republicans have barred the Federal Energy Regulatory Commission from instituting new rules to protect consumers from price gouging. Their bill fails to include strict anti-fraud provisions to crack down on shady business schemes such those employed by Enron—those that sparked the Energy Crisis. Republicans even repeal the Public Utility Holding Company Act that insulates ratepayers from bearing the cost of risky energy ventures while protecting investors from tricky corporate accounting maneuvers.

I urge my colleagues to say no to this shameful bill. Americans deserve better than this special interest giveaway. Let's stand up for an innovative, clean and responsible energy policy that conserves our resources and

preserves our environment. Vote down this bill.

Ms. SOLIS. Mr. Speaker, I rise in opposition to the conference report on H.R. 6, the National Energy Policy Act, on behalf of America's taxpayers who will now have to shoulder the financial burden of cleaning up corporate pollution.

In the past, our nation's environmental laws have been based on the principle that polluters would pay to clean up their messes. Today, that principle changes from ''polluters pay'' to ''polluters get paid''.

Mr. Speaker, under this bill, over the next 10 years, the American taxpayers will dole out $23.5 billion in tax breaks for the oil and gas industry. In addition, taxpayers will pay $6.9 billion in higher gas prices because this bill mandates that we put ethanol in our gasoline. Polluters will be able to access federal funds to clean up their leaking underground storage tanks—money that they don't have to pay back. And consumers will pay higher electricity prices because basic consumer protections have been repealed with the end of the Public Utilities Holding Company Act (PUHCA).

The people who will suffer the greatest consequences of these blatantly irresponsible regulations will be the poorest of our society. These families will be forced to pay more at the gas pump and higher utility bills. As people who are more likely to live and work near a polluting industry, they will breathe dirtier air and drink unsafe water.

This bill will perpetuate poverty as we reward industries that are environmental failures while neglecting to prepare an energy policy that will help future generations. What do we get in return for this egregious bill? Unfortunately, at the end of the day there is little that will alleviate the problems that are so obvious in this bill. It will not reduce our dependence on foreign oil. It will not create jobs. It will not invest in science that will give us energy technologies for the future.

The Energy Policy Act before us is anti-environmental, anti-health, anti-consumer, anti-science and anti-jobs. An energy policy needs to make sure that our original principles are in place and make sure that polluters are paying, not getting paid.

If we start with this principle, we can create an energy policy that not only is good for our country's future, but also for the future of working families.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in opposition to the Conference Report on H.R. 6, the Energy Policy Act of 2003. I strongly support a comprehensive national solution to our energy needs. In developing a national energy policy, it is imperative that we address electricity reliability issues, environmental impacts, and consumer protection. We must consider ways to invest in alternative energy technologies that reduce our dependence on foreign oil, address global warming and bolster our nation's energy security. I supported the original Energy and Commerce Committee version of this legislation which accomplished these goals. Instead, we are considering legislation that reinforces our dependency on foreign sources of energy and leaves our national security at risk.

Our economy is dependent upon reliable and affordable electricity, and any break in our electric supply threatens the security of our nation. The Conference Report fails to resolve reliability issues. Months after the largest blackout in our nation's history, this legislation fails to clarify who is responsible for preventing future blackouts. The legislation also fails to offer any meaningful assistance in the effort to update and modernize our nation's transmission system. Although Missouri was not effected by the recent blackouts, much of our transmission system suffers from the same outdated equipment that left our neighbors to the north and east in the dark.

Mr. Speaker, this legislation does include a few commendable items. One such provision is the establishment of a biodiesel fuel tax credit. The credit, which will be available through 2005, will offer those who use biodiesel as fuel a 50 cent per gallon tax credit. In my district, the Kansas City Area Transportation Authority has been a leader among public transit agencies using biodiesel to fuel city buses. The biodiesel provisions on today's bill will help build on my past efforts to recognize this clean burning fuel as a solution to our efforts mandated in the Clean Air Act. I am also pleased to learn that the bill dramatically expands the requirements for the use of ethanol. My home state of Missouri has two ethanol plants, and we are working to build three more facilities to meet the growing demand for this renewable fuel.

Despite this legislation's positive ethanol and biodiesel provisions, the bill otherwise fails to encourage the transition from fossil fuels to indigenous, renewable energy. The conferees chose to reject Senate approved provisions to establish a Renewable Portfolio Standard (RPS). The RPS provision would have required power plants to use minimum amounts of renewable fuels. Energy experts have argued that RPS will save us from building 156 new power plants. The result of this effort would be lower prices for consumers and cleaner air. Those are the long term gains a strategic energy plan could generate.

Rather than providing the American people with a more secure system, H.R. 6 provides subsidies to oil and gas companies and exempts them from vital environmental regulations. Further, it repeals the Public Utility Holding Company Act—legislation specifically designed to protect ratepayers from risky investments. Instead of preventing another California energy crisis or Enron scam, this legislation enables more fraud, more price gauging, and more corporate abuse at the expense of consumers.

This legislation also fails to secure our nation's drinking water. Despite the fervent objections of communities who experienced the devastating effects of the dangerous fuel additive MTBE, this legislation includes a waiver of all liability for MTBE manufacturers. MTBE has contaminated the drinking water of hundreds of towns and cities across the nation and this legislation forces taxpayers instead of polluters to pay the bill.

The legislation we are considering today fails to address the most pressing needs of the American people. Of particular concern are provisions that endanger the environment and could lead to further global warming. The report contains an amendment to the Clean Air Act that allows certain areas to ignore ozone attainment deadlines and exemptions for oil and gas exploration companies from waste water runoff rules designed to protect our lakes, rivers and streams.

Mr. Speaker, Americans deserve an energy policy that protects our consumers, our environment, and our national security. The Conference Report fails that test. I urge my colleagues to reject the conference report and instruct the conferees to craft real, long-term, comprehensive energy legislation similar to that approved by the House Energy and Commerce Committee and the United States Senate.

Mrs. WILSON of New Mexico. Mr. Speaker, we need a balanced, long term energy policy to reduce our dependence on foreign oil, keep the lights on and preserve the beauty of the land we love and I think this bill promotes this aim. This legislation is good for our environment and will create nearly 1 million new jobs. I commend Chairman TAUZIN and Chairman DOMENICI for putting this important piece of legislation together.

I want to highlight three provisions in this bill that I think are important. first, section 602 of this bill extends Price-Anderson indemnification for 20 years to 2023. Price-Anderson is a critical component of our national energy policy. Nuclear energy is a viable energy source that helps us keep our air clean and reduces our reliance on foreign sources of energy. Without extending Price-Anderson indemnification, there would be a severe negative impact on private investment in nuclear energy and nuclear related research at Sandia and Los Alamos National Laboratories.

The Price-Anderson Act, first passed in 1957 as part of the Atomic Energy Act, has encouraged the development of the nuclear industry, while protecting the public by allowing DOE to fine its contractors for safety violations. It subjects contractor employees and directors to criminal penalties for violating nuclear safety rules, and provides immediate insurance compensation to the public in the highly unlikely event of a nuclear accident at a commercial power plant or a DOE facility.

The Act also consolidates in a single federal court all lawsuits arising from an accident and reduces delays often associated with such cases. The federal payout provisions in the Act have never been used, but its existence has allowed private investment in nuclear energy to go forward.

Price-Anderson is a critical component of our national energy policy. Nuclear energy is a viable energy source that helps us keep our air clean and reduces our reliance on foreign sources of energy. Additionally, extending Price-Anderson indemnification would protect 61,800 jobs at 103 plants nationwide.

Second, I strongly support Section 1285, the FERC refund authority provisions. These provisions ensure that prices charged for wholesale power sales, regardless of seller, must meet FERC's ''just and reasonable'' standard and allows FERC to recover proceeds from the largest public power utilities in the event that they gouge consumers.

FERC is pursuing multiple investigations into allegations of overcharging and manipulation in western electricity markets by sellers. However, some of these entities have filed lawsuits challenging FERC's legal authority to order them to pay refunds. This provision clarifies FERC's authority to order refunds from wholesale power sellers if they charge prices that are not ''just and reasonable.'

Third, I also strongly support Section 1522, the underground storage tank compliance provisions. In the mid-1980's Congress mandated that all petroleum underground storage tanks (''USTs'') be upgraded, replaced, or closed by

December 22, 1998. To assist the EPA and the states to implement the 1998 deadline, Congress in 1996 established the Leaking Underground Storage Tank (''LUST'') Trust Fund and enacted a 0.1 cent per gallon federal tax on petroleum products—the proceeds from which are directed to the LUST Trust Fund.

According to the Administration's FY 2004 budget, the LUST Trust Fund balance at the end of 2030 will be $2.0 billion; Trust Fund tax collections in 2003 will be $183 million; and, the Trust Fund will earn $85 million in interest in 2003. Despite this huge fund balance, the Bush Administration has requested only $72 million be appropriated from the Trust Fund for FY 2004—below the amount of interest the Trust Fund will earn during the year.

This legislation will ensure that an adequate percentage of funds appropriated from the LUST Trust Fund is delivered to state UST programs for proper regulatory enforcement and remediation assistance and that all UST owners and operators—including government agencies, commercial operators, and native American tribes—are held to the same standards and comply with existing regulations. It also will provide funds to the states to develop a UST operator training programs based on EPA guidelines.

Mr. BOEHNER. Mr. Speaker, I rise in support of H.R. 6, the Energy Policy Act of 2003 and in particular Title VX, which sets forth a Renewable Fuels Standard to advance renewable fuel development in this country.

As a representative of the nation's third-largest ethanol consuming state, I congratulate my colleagues on incorporating this standard into a national energy policy. In my view, a renewable fuels standard achieves two policy objectives simultaneously—it begins to break out nation's dependence on volatile sources of foreign oil, and it creates new market opportunities—with a tremendous upside for America's farmers.

This provision has been criticized because of its costs. But let me remind those critics of another cost—the cost of farm program payments. By reaching 5 billion gallons of ethanol in 2012, the RFS will provide a tremendous boost to annual farm income and add substantial value to the corn market—value that will reduce the amount of money going out of the federal Treasury in the form of price support payments. The RFS and expanded ethanol production will add value to agriculture and provide price and income support to our nation's ailing farm sector in the most sustainable way possible—through the marketplace.

In addition, this bill sets the foundation for a correction to a flawed highway funding formula that penalizes ethanol consuming states to the tune of $2 billion a year, including my home state of Ohio, which loses nearly $160 million per year in valuable transportation infrastructure dollars.

I congratulate the Chairman on his hard work to make comprehensive energy policy a reality, and I urge my colleagues to support this bill.

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this conference report. While my colleagues on the other side of the aisle are calling this a jobs bill, let's call this what it really is—billions of dollars in pay-offs to republican campaign contributors. . . . Today, we have given up an opportunity to do the right thing for our energy future; for our environmental future and for true national security.

We have missed an important opportunity to make our Nation more secure. This could have been an opportunity to decrease our reliance on foreign oil and to relieve the burden on our power grid by investing in efficient and renewable energy sources.

Instead the republican conferees, excluding democrats from the conference, have delivered a conference report that will allow large companies to pollute our air, contaminate our water, and all the while giving pork to big business.

The majority party has only paid lip service to renewable energy. Instead of focusing on the benefits of solar, wind, and other renewable energy sources, this bill contains billions of dollars of pork for ethanol producers.

And, apparently they ran out of pork because they have even included some turkey because I guess they really got into Thanksgiving because they included a $95 million tax credit is in the bill that will help a single plant dispose of turkey carcasses.

Mr. Speaker, I urge my colleagues to join me in opposing this conference report and asking the conferees to send us back something that will really help our national security.

Mr. SAM JOHNSON of Texas. I want to congratulate and thank both Chairman DOMENICI and Chairman TAUZIN for taking on the enormous task of crafting comprehensive energy legislation, and doing so in a manner that was fair, effective, and successful. In years past we have allowed energy legislation to die in Conference. This year we have made good on our promises, and are closer to enacting much-needed energy reforms.

It has been almost a decade since this country has had any type of sound energy policy. I commend President Bush for his courage in advocating a balanced energy plan, and both of our Chairmen for taking these measures up as quickly and decisively as possible. I am pleased to have been part of the Conference on this legislation, and to support everyone's hard work here today.

This Conference Report conserves energy, increases energy production, and will help end our dependence on foreign oil. As I noted when we started Conference on this legislation, today over fifty percent of our oil comes from other countries—that is not only a threat to national security, but it affects the energy prices of every American.

The legislation we consider today is an improvement over both the House and Senate bills passed earlier this year. Indeed, in many instances, we have taken ''the best of both worlds.''

The Conference Report adopts the House language regarding Alaskan pipeline construction training. This provision ensures that training will be delivered through our existing one-stop WIA delivery systems, and that the program will be available to a broad range of participants.

Natural gas gathering lines is an issue that I have worked closely on for years. This is an important provision that settles a long-running dispute between the IRS and natural gas producers. There have been differing opinions in various circuit courts on the proper depreciable life of these gas lines. I am glad that this issue is finally being resolved.

The Conference Report's provisions regarding workplace protections for so-called ''whistleblowers'' has been much improved. House language in last year's energy bill has been strengthened to ensure that employees have the necessary protections they deserve, while also balancing the ability of the Department of Labor to investigate these complaints. This ensures that while all workers are protected, we are not allowing for frivolous actions.

The Conference Report also supports the President's proposal by including House language to ensure that we maintain a viable weatherization assistance program.

Language in the conference report regarding energy-related scientific and technical careers has been tailored to target those truly in need of help, and to eliminate outdated models of ''assistance.''

Finally, the Conference Report deletes several unnecessary provisions, including Senate language expanding the federal government's role in school construction, and language that would micro-manage personnel decisions at the Department of Labor.

I would express my disappointment in the final product before us in just one regard. I am disappointed that the Conference Report before us does not include the House language providing for an oil and gas leasing program for the exploration, development, and production of the oil and gas resources in the Arctic National Wildlife Reserve. I strongly supported this provision, which would have expanded our natural energy supply, which now more than ever is critical to our national energy security policy.

I would hope that as we pass this bill today, we do not lose sight of the importance of this provision. I would urge our Republican leadership to revisit this critically important issue when we return next year.

In closing, I reiterate my support for the President in proposing a comprehensive plan, and both houses of Congress, and in particular our Chairmen, for taking quick action to make this plan law. The legislation before us goes a long way toward addressing our nation's near- and long-term energy needs, as well as our national energy security policy.

I urge my colleagues to support this important and much-needed legislation.

Mr. SKELTON. Mr. Speaker, throughout the time I have been privileged to serve in the House of Representatives, I have been honored to work with my colleagues on both sides of the aisle to do what is right for rural America. Today, the House is considering H.R. 6, its first comprehensive energy policy legislation in more than a decade. This measure will provide farm families and rural areas with an important economic boost and will recognize the unique role rural electric cooperatives play in delivering power to rural Americans. I am pleased to support this bill.

H.R. 6 is good for rural Missouri. The conference report includes a long sought after Renewable Fuels Standard (RFS) that will gradually increase the contribution of ethanol (made from corn) and biodiesel (made from soybeans) to America's fuel supply to 5 billion gallons in 2012. The bill also includes a federal phase down and ban of the gasoline additive known as MTBE. Although I am disappointed that liability protections were included in the bill for this cancer-causing additive, I am pleased that the conference report phases MTBE out of existence over a period of time.

H.R. 6 provides important renewable fuel tax provisions for ethanol and biodiesel. The conference report modifies the small ethanol

producer tax credit to enable farmer-owned cooperatives, like Mid Missouri Energy, Inc., an ethanol production facility under construction near Malta Bend, Missouri, to pass along the credit to their farmer owners. The bill contains the Volumetric Ethanol Excise Tax Credit (VEETC) provision, which will continue the tax credit for ethanol, create a tax credit for biodiesel, and will keep the Highway Trust Fund whole. Importantly, the measure creates a new tax incentive for biodiesel that will stimulate production of both soybeans and other agricultural products. No longer will biodiesel be treated as a luxury product, but one that vehicle owners throughout America will embrace as a clean-burning renewable fuel.

For corn and soybean farmers, H.R. 6 could well be the best piece of legislation in decades. The renewable fuels embraced by this legislation are produced from crops that rise out of Show-Me State fields, and Congress' commitment to the production of more renewable fuels will act as a significant economic stimulus for rural Missouri. This comprehensive bill will also decrease U.S. reliance on foreign energy sources and create jobs.

I am also pleased that H.R. 6 recognizes the unique role rural electric cooperatives play in providing power to those who live throughout the countryside. Electric cooperatives have a long and distinguished history in our country. They provide private ownership to consumers of their electric utility and operate at-cost. This type of ownership has been very successful in rural Missouri where population densities and revenues are low. It has also immunized electric cooperatives from the price gouging, market manipulation, and corporate malfeasance activities that have emerged in the energy industry over the past few years.

Mr. Speaker, the comprehensive energy bill before us today is good for rural America, and I urge my colleagues to support it.

Mr. MCKEON. Mr. Speaker, I rise today in support of H.R. 6, the Energy Policy Act of 2003. I want to commend and thank Chairman TAUZIN for his work with his Senate counterpart, Chairman DOMENICI, for working with many Members and Senators to reach agreement on this historic legislation. For the first time in over a decade we will have comprehensive national energy policy. Both chairmen deserve credit for completing this process and getting the job done for the American people.

In addition, I commend President Bush for putting forth a responsible national energy plan, much of which is reflected in the legislation before us today.

This bill makes significant improvements in both energy conservation and generation. The legislation before us today contains new energy efficiency and conservation provisions, expands the use of renewable energy sources, encourages diverse energy technologies, increases our federal commitment to research and development, and will reduce America's dependence on foreign oil and gas by developing domestic sources of fuels. In addition, the bill improves reliability standards for electricity transmission, which we know is critical given the recent blackouts in the Northeast and Midwest and ongoing challenges regarding electricity supply in my own state of California.

I am pleased to have been part of this conference as a member of the Committee on Education and the Workforce. The conference report before us today contains several important provisions under the Education and the Workforce Committee's purview that I would like to highlight.

H.R. 6 reauthorizes the Low-Income Home Energy Assistance Program, or LIHEAP, for two years. This critical program helps many low-income families, particularly some elderly individuals, survive extreme temperatures by covering the cost of heating and cooling. In addition, the legislation increases the funding authorized for the Weatherization Assistance Program, through which funds are provided to low-income households for weatherization efforts. This increase puts Congress on track to increase funding for the program by over $1 billion over the next ten years as proposed by President Bush.

The conference agreement includes an Alaskan Pipeline Construction Training program to ensure enough skilled workers are available to design, construct, and operate an Alaska gas pipeline system, should one be constructed. While it is appropriate to create a new program to address this significant employment need, the conference agreement ensures that the training program would operate through the State of Alaska's existing workforce development system created under the Workforce Investment Act of 1998 (WIA). This will prevent duplication and ensure the new training program is connected to the wider package of services available through the one-stop delivery system created under WIA.

The conference agreement includes a provision requiring the Secretary of Energy to provide a preference in making grants under the Science Education programs to institutions that encourage underrepresented populations to pursue scientific and technical careers. In addition, the bill before us today requires the national laboratories that participate in the Department's Science Education programs to increase the participation of Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges in activities that increase their capacity to train personnel in science or engineering. This is consistent with Congress's efforts to reach out to minority serving institutions to help build their capacity. The provision should result in increased access to energy-related scientific careers.

I must, however, raise strong concerns with two provisions in the bill, one dealing with the denial of tax benefits for solar energy and the other dealing with providing liability protection for manufactures of Methyl Tertiary Butyl Ether, or MTBE.

The first provision, if removed, would have opened the doors in my and adjacent congressional districts in California for increased production of concentrated solar power and would have provided as many as 7,000 jobs in the Antelope Valley region of my district. Our nation's electricity grid does not have the capacity to move electricity freely from east to west without encountering significant congestion and financial disincentives. Until these hurdles are overcome, we must work towards becoming more self-sufficient when it comes to energy production. Financial incentives, such as the Investment Tax Credit and the Production Tax Credit, further encourage the production of solar energy to provide an efficient, clean energy source that has not yet been tapped to its full potential for conventional use. A recent Department of Energy-supported study demonstrates that concentrated solar power could produce electricity at a cost of 3.5 to 7 cents per kilowatt/hour within 10 years, which is very competitive with traditional electric peaking power. Unfortunately, the conference report stipulates that solar companies cannot have access to both credits, which completely defeats their purpose.

The second provision in the conference report would have a detrimental impact on many areas in my state of California by giving a product liability waiver for MTBE and nullifying many of the recent lawsuits that were filed to aid in the cleanup of the problem. Recently, it has come to my attention that a MTBE spill is located in my congressional district near the Marine Corps Logistics Base in Barstow, California. This additive has been found to pollute drinking water supplies in at least 28 states, including my own, when gasoline containing MTBE leaks or is spilled into surface or groundwater. While I certainly understand the argument that the federal government was responsible for promoting the use of MTBE and should provide some protections to companies, I remain concerned that exempting MBTE manufacturers from groundwater contamination by giving them such a blanket protection will devastate the drinking water supply for area residents.

Not withstanding these provisions, I believe the conference report before us today represents an enormous step forward in addressing short-term energy needs and stabilizing our long-term energy supply. I applaud my colleagues and the Bush Administration for working to ensure this comprehensive legislation is completed this year. I urge Members to support H.R. 6, the Energy Policy Act of 2003.

Mr. BURR. Mr. Speaker, I rise today in support of the Energy Conference Report. This Report now cements a blueprint for our nation's domestic energy policy for the first quarter of the 21st century.

The need for a long-term energy policy is simple. We are experiencing a fundamental imbalance between energy supply and consumer demand that poses a tremendous risk to our nation's economic well-being, our standard of living and, to a great extent, our national security. If we continue energy production and consumption at a rate equal to the one set in the 1990s, by 2020 we will be experiencing a shortfall of supply and demand of nearly 50 percent. That shortfall can be made up in only three ways: import more energy; improve energy efficiency even more than expected; and increase domestic energy supply.

This bill moves us away from our dependence on foreign sources of fuel and moves us in the positive direction of promoting a diverse mix of domestic sources of energy that will increasingly come from solar, wind, biomass, and geothermal sources.

An extension of the wind energy production tax credit will breathe new life into wind farm projects throughout the country. Appalachian State University, located in my District, has identified areas in western North Carolina that might be the most suitable locations in the Southeast for developing wind farms. A production tax credit for energy generated from animal waste opens new opportunities for energy production, innovative and useful methods of waste disposal and increased farm income for North Carolina hog and poultry farmers.

Our soybean farmers will also benefit from tax credits that encourage the production of

biodiesel fuels from soybean oil. Corn, sweet potato and even tobacco farmers will benefit from the ethanol provisions in this bill, as demand for products that can be converted into ethanol-blended fuels will increase.

Improvements in energy efficiency and conservation are prevalent throughout this bill. It expands the scope of the Energy Star program and establishes new energy efficiency standards for many new commercial and consumer products that use large amounts of energy. It authorizes $2.15B for hydrogen fuel cell program with a goal of launching hydrogen fuel cell cars by 2020. Finally, Congress will lead by example by requiring a 20 percent reduction in federal building energy use in the next 10 years as well as provide funding for energy efficiency programs for public buildings. All in all, the conservation and energy efficiency provisions of H.R. 6 will eliminate the need for at least 130 new 300 megawatt power plants by 2020.

The bill helps modernize our aging electric generating facilities as well as promote the increased use of nuclear energy. Nuclear energy is essentially emission free and allowed us to avoid the emission of 167 million tons of carbon last year and more than 2 billion tons since the 1970's. In 1999, nuclear power plants provided about half of the total carbon reductions achieved by U.S. industry under the federal voluntary reporting program.

The bill will go a long way to retain jobs in our country as well as create new jobs throughout the country. By allowing the Southeast, which enjoys cheap and reliable power, to develop our electric marketplaces as we see fit, we will see jobs retained in North Carolina and throughout the South. Knowing that the cost of electricity is one of the highest overhead costs manufacturers and factories assume, keeping costs low and reliability high will lead to the return of more manufacturing jobs to our region of the country.

The bill will create the certainty in the investment markets that will allow Wall Street to finally attract the necessary capital to build and upgrade our electric transmission system. Long before the northeastern blackouts of this past August, my colleague from Maryland, Mr. Wynn, and I have been warning of a pending electricity outage if we didn't mandate reliability standards and give the marketplace the tools it needs to attract the capital to invest the reported $53 billion necessary to meet the electricity demand of the coming decade. I am pleased to see that the principles of our bill, the Interstate Transmission Act have been incorporated into the final Conference Report. Through the strength of our combined efforts and commitment to improving our nation's energy grid, I am pleased that the Wynn-Burr language for mandatory reliability provisions and new incentives for investment in transmission was included in this legislation.

The bill also increases the authorized funding from the Leaking Underground Storage Trust Fund. Earlier this year Representative FOSSELLA and I introduced H.R. 2733 and working with Subcommittee Chairman GILLMOR, we were able to incorporate this bill into the final conference report. H.R. 6 will allow states to use Federal funds to enforce the law. It will direct EPA and the States to implement operator-training programs and require all tanks be inspected on a regular basis.

Mr. Speaker, the 1000-plus pages this bill encompasses will be a much-needed shot in the arm of our recovering economy. It will begin our march towards energy independence and will best utilize all resources at our disposal to make sure that the lights stay on and the factories and small businesses stay open. I urge its passage and implementation into law.

Mr. NUSSLE. Mr. Speaker, as I communicate with Iowans, they often share their concern about our country's economic vulnerability in regard to its energy supply. Spikes in oil and gas prices, high utility costs and the dangers of a heavy reliance on foreign suppliers have a very real impact on our rural economy and Iowans' family budgets.

I rise today to express my support for the long-awaited, comprehensive energy policy legislation.

America's long-term national energy policies must include a focus on developing the renewable sources of energy that can be produced in this country. This energy bill makes farmers in Iowa and other states part of the solution by moving the nation toward a common-sense future that is less dependent on fossil-based sources of energy. With the establishment of an overall Renewable Fuels Standard for motor fuels, significant portions of all U.S. gasoline will be required to contain renewable fuel content, including ethanol and biodiesel. This provision alone will create more than 200,000 jobs over the next decade.

The bill goes well beyond previous efforts to promote value-added agriculture by streamlining and making new incentives for ethanol production as well as creating a new tax credit for biodiesel production. This legislation simplifies a very complicated tax system for Iowa's ethanol producers and taxpayers while ensuring these payments are properly credited toward vital transportation priorities. These tax reforms are significant developments for Iowa's future because they promote the development of small ethanol cooperatives, create value-added business opportunities, and ensure the long-term future of Iowa's transportation needs.

The bill also supports enhanced energy efficiency and conservation, environmental protection measures and domestic production. Consumers will be encouraged to purchase more fuel-efficient automobiles and make sensible home improvements. New, advanced environmental friendly technologies will be promoted. In addition, electricity generation and transmission will be strengthened to help rural electric cooperatives and public and private utilities provide affordable electricity to their customers.

My support for the bill is somewhat tempered by the recognition that it exceeds the spending limits established by the FY 2004 budget resolution. I believe that many of the key objectives of this bill could have been realized within the confines of the budget resolution. By contrast, the tax provisions, while significant in cost are fully consistent with the revenue levels established by this year's budget.

Mr. Speaker, I believe that the Energy Policy Act represents impressive progress toward a balanced, long-term energy policy to reduce our reliance on foreign oil, stabilize prices for consumers and stimulate our economy. I am particularly proud of the renewable energy provision in this bill and urge my colleagues to join me in approving this significant legislation.

Mr. BOEHLERT. Mr. Speaker, sadly, I rise in opposition to H.R. 6. I say sadly because the Nation needs a balanced, forward-looking energy policy. Our economic and national security depend on our energy security. That's why I was so pleased when President Bush and Vice President CHENEY took a step that their predecessors hadn't and challenged the Congress to come up with a sensible energy plan.

Unfortunately, we have failed to live up to that challenge. What we have instead is a bill that purports to be what it is not. We hear that H.R. 6 is forward-looking, but in reality it just protects the status quo. We hear that H.R. 6 is balanced, but in reality it is weighted heavily toward fossil fuels. We hear that H.R. 6 is fair, but in reality it is replete with targeted subsidies and tax breaks and projects. We hear that the process of writing H.R. 6 was open, but in reality that was not the case.

I don't have time to list all the provisions that could prove my point. In fact, I'm sure Members will be finding provisions for years as their constituents call about problems that will be traced back to this bill. All I will point out now is that what is missing from this bill is as problematic as what it contains. This bill has no fuel economy standards for cars; it has no renewable energy goals for utilities. Indeed, it has nothing much at all that will make us more energy independent and secure.

We've missed an opportunity with this bill. This bill will not give our Nation more energy, but only more regrets.

Ms. LEE. Mr. Speaker, I rise in strong opposition to this rule and the underlying bill.

This bill is a failure in process and policy. The Republican majority has steamrolled concerns, facts, and opposition, all to benefit powerful energy industries at the expense of American people.

This bill not only fails to promote a healthy energy policy, it will also cost the American people over $115 billion over the next decade.

It was written for big energy companies by big energy companies to benefit big energy companies, with a $416 billion package of tax breaks and production subsidies for the oil, coal, and nuclear industries.

Mr. Speaker, this bill threatens more than the pocketbooks of the American people, it also poses an imminent threat to our Nation's air quality, drinking water, and public land.

We see this threat to our public health most clearly in my home State of California.

MTBE, a known cause of cancer, is leaking out of storage tanks, but this bill shields MTBE producers and oil companies from product liability lawsuits and pays them $2 billion.

The gasoline additive, intended to reduce air pollution, has contaminated groundwater supplies in numerous California communities.

This bill will cause catastrophic harm to the public health and the public interest.

I strongly oppose this rule and this bill and I urge you to protect America's environment, protect America's health, and protect American taxpayers and to vote against this bill.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of this comprehensive energy package, the Conference Report on H.R. 6.

Three months ago the lights went out in the Northeast, Midwest and throughout parts of my congressional district in northern New Jersey, leaving millions of New Jerseyans sitting in the dark.

More than anything else this event taught us that we cannot lurch from energy crisis to energy crisis. It's an economic risk we cannot afford to take or ever let happen again.

While Americans are beginning to find jobs, our economy is still volatile to domestic and international events. Too many New Jerseyans are still looking for work.

That is why I believe it is important that we continue to advance more aggressive pro-growth, pro-job policies including this first step toward a long-term comprehensive, national energy plan that is before us today.

This package will further strengthen our economy and ensure the stability of our energy supply by preventing the loss of jobs while creating hundreds of thousands of new jobs in all sectors including manufacturing, construction, agriculture and technology.

While prices at the gas pump are going down and more jobs are being created—make no mistake about it—may families face natural gas, oil and electric bills two or three times higher than they did just a few years ago and some employers are still hiring fewer workers to absorb the rising cost of energy.

Mr. Speaker, we need this legislation to promote more energy conservation, research, and development, and to provide for security and diversity in the energy supply for the American people.

While I am pleased that this legislation is good for our economy, I am also happy to know that it is working to promote conservation. This legislation takes great strides to promote energy efficient products, renewable energy and alternative fuels—all of which are environmentally responsible energy policies.

We live and work in a nation that demands more energy than we can adequately supply. Every American, whether they realize it not, depends upon reliable, affordable energy. To drive a car, run a small business, or own a home—we need energy.

We are also a nation that relies on fossil fuels, and whether we think that's good or bad, it's a fact that is not going to change anytime soon. Oil, gas, coal and nuclear energy fuel our Nation. In fact, half of our of our Nation's electricity is generated in powerplants that burn coal, 20 percent of our Nation's electricity is nuclear powered, and 18 percent of America's lights are turned on by natural gas.

Specifically, New Jersey generates 37 percent of its energy from coal, 17 percent from nuclear energy, another 17 percent from natural gas, 15 percent from oil, 5 percent from hydroelectric energy and 1 percent from other sources.

In recent weeks, New Jersey was reported to have one of the highest heating oil prices at $1.45 a gallon, while at the same time homeowners are expected to pay an average of $841 to heat their homes with natural gas this winter.

Clearly, we must all share the goal of energy conservation. To keep our prices down, we must be smarter and more efficient about the way we produce and consume energy.

Mr. Speaker, we need to pass this energy package to strengthen our national security by reducing dependence on foreign energy sources. Our Nation has become dangerously dependent on foreign sources of oil, especially since America imports 60 percent of the oil we use from other countries including nearly 20 percent from Persian Gulf countries and 40 percent from OPEC countries as well as Canada and Venezuela.

We need to pass this package so that we can increase funding for programs to help low-income residents over their high energy costs. At the present time, it is estimated that the Northeast Heating Oil Reserve's maximum inventory of heating oil is 2 million barrels. The Department of Energy believes that this reserve will provide relief from weather-related shortages from approximately 10 days, which is just enough time for ships to bring heating oil from the Gulf of Mexico to our New Jersey/New York Harbor. To protect against the risk of empty oil barrels, especially as we approach the winter season, we need to pass this legislation so that New Jersey's low-income families do not have to choose between heating their homes and putting food on the table. They need immediate assistance to overcome the burden of rising energy costs.

In direct response to August's blackout, we also need to modernize our electrical infrastructure. This legislation contains important measures to help attract new investment into the industry and ensure the reliability of our Nation's electricity grid. It provides for enforceable mandatory reliability standards, incentives for transmission grid improvement and reforms of transmission rules.

Mr. Speaker, there is no doubt about it that we need a stronger and more stable supply of energy. By passing this energy plan we can upgrade our electrical grids, develop new techniques for energy efficiency, increase domestic production and ultimately create hundreds of thousands new jobs.

But more than anything else, we can provide Americans with a more steady and reliable stream of power and help them pay less in their electric bills.

It has been 11 years since Congress has sent an energy bill to the White House. That's 11 years too long. And now the August blackout has only crystallized the urgent need for action.

We cannot afford to wait any longer. The stakes are too high.

I strongly urge the passage of this energy package.

Mr. COOPER. Mr. Speaker, I have a particular interest in the provisions of the Energy Bill Conference Report regarding modernizing the management structure of the Tennessee Valley Authority, in Title XIV Miscellaneous, Subtitle C, of H.R. 6.

Senator FRIST introduced a version of these changes earlier this year (S. 1351), and I introduced my own version (H.R. 3044) several months later. The two bills were substantially similar.

I was very disturbed to discover that two key provisions that had been in both Senator FRIST's and my bills have been omitted in the Energy Bill Conference Report. These provisions concern the intended bipartisan nature of the new nine-member board—no more than five members of one party, and four of the other, and the requirement that prospective board members believe in the mission of TVA, as described in the TVA Act. Without these key provisions, modernizing the TVA board could become, at worst, and entirely partisan enterprise and/or an effort to privatize TVA or disrupt TVA's historic mission.

Due to the last minute drafting of this legislation, and the waiving of the customary 3-day layover rule for such bills to be studied carefully by members, which I just voted against an hour ago, mistakes like this have been made. I was not a member of the Conference Committee and had no access to the drafting of the language, and was only given a copy of the language less than an hour ago. This hurried legislative process is an outrage and deprives both parties the ability to have properly drafted legislation. I intend to work with my colleagues to remedy these errors of omission so that the original language and intent of Senator FRIST's and my legislation can be restored to the bill.

In the meantime, it is important for all participants in the board modernizing process to honor the omitted provisions so that there is no danger of partisanship on the board, or of damage to TVA's historic mission. I will be watching very carefully in order to protect the interest of TVA ratepayers.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong opposition to the energy bill now before us. It has been said that the end depends upon the beginning—and that has never been more true than it is with this final conference report.

It is worth remembering that this initiative began with the now infamous series of secret meetings between Vice President CHENEY and his well-connected energy industry lobbyist friends. As a result of those meetings, the Bush administration's initial proposal called for $10 billion of taxpayer giveaways to the fossil fuel and nuclear industries. Now, after shutting duly appointed Democratic conferees out of the negotiating room, that number has apparently ballooned to over $20 billion.

So much for fiscal discipline.

The proponents of this legislation like to use words like balanced. For most Americans, the word balanced means roughly equally divided. Between, say, production and conservation. Or fossil fuels and renewables. Or where we are, and where we want to be.

By any reasonable measure, this bill fails that test. In fact, this conference report provides an estimated $3 in tax credits to the fossil fuel and nuclear industries for every $1 it allocates to renewables and energy efficiency.

So much for balance.

Another claim being made by proponents of this bill is that it will create jobs. We do need to create new jobs—especially after this administration's economic performance. But throwing a hodge-podge of special interest tax breaks together and calling it a jobs package is simply not a substitute for sound economic policy—and it won't retrieve the 1.7 million jobs that have been lost since President Bush took office.

Which is a shame. Because the right energy bill—one that gives the United States the competitive advantage we really ought to have in the renewable energy and green technologies of the 21st century—would provided a massive boost to the economy, creating up to two million good, high-skilled, high-wage manufacturing, installation and servicing jobs. And these are the kind of jobs that won't go overseas.

There's just no reason we should be losing to the Japanese on hybrid cars, or to the Danes on wind turbines, or to the Germans on solar PV. We should be the dominant leader in the world on all these technologies. And if we were, we'd be cleaning up the environment, enhancing our national security, gaining our energy independence and revitalizing our economy—instead of debating this 1,200 page missed opportunity.

The truth is, Mr. Speaker, the legislation before us is long on unwarranted, special interest goodies for the oil and gas industries. And

it falls woefully short on needed investments in the renewable, nonpolluting energy technologies of the future.

Instead of a national Renewable Portfolio Standard, we have increased reliance on fossil fuels. Instead of improved automobile efficiency, we have a weakening of the Clean Air Act. Instead of aggressive action to curb energy-associated pollution, we have a liability shield for the polluters.

The American people deserve an energy policy worthy of the promise and challenges of the 21st century. We need to reduce our reliance on foreign oil and develop clean, less polluting energy sources. This is not that policy. Let's go back to the drawing board and develop an energy policy that reflects the public interest, rather than the special interests.

Mr. NUSSLE. Mr. Speaker, as I communicate with Iowans, they often share their concern about our country's economic vulnerability in regard to its energy supply. Spikes in oil and gas prices, high utility costs and the dangers of a heavy reliance on foreign suppliers have a very real impact on our rural economy and Iowans' family budgets.

I rise today to express my support for the long-awaited, comprehensive energy policy legislation.

America's long-term national energy policies must include a focus on developing the renewable sources of energy that can be produced in this country. This energy bill makes farmers in Iowa and other States part of the solution by moving the Nation toward a common-sense future that is less dependent on fossil-based sources of energy. With the establishment of an overall Renewable Fuels Standard for motor fuels, significant portions of all U.S. gasoline will be required to contain renewable fuel content, including ethanol and biodiesel. This provision alone will create more than 200,000 jobs over the next decade.

The bill goes well beyond previous efforts to promote value-added agriculture by streamlining and making new incentives for ethanol production as well as creating a new tax credit for biodiesel production. This legislation simplifies a very complicated tax system for Iowa's ethanol producers and taxpayers while ensuring these payments are properly credited toward vital transportation priorities. These tax reforms are significant developments for Iowa's future because they promote the development of small ethanol cooperatives, create value-added business opportunities, and ensure the long-term future of Iowa's transportation needs.

The bill also supports enhanced energy efficiency and conservation, environmental protection measures and domestic production. Consumers will be encouraged to purchase more fuel-efficient automobiles and make sensible home improvements. New, advanced environmentally friendly technologies will be promoted. In addition, electricity generation and transmission will be strengthened to help rural electric cooperatives and public and private utilities provide affordable electricity to their customers.

My support for the bill is somewhat tempered by the recognition that it exceeds the spending limits established by the fiscal year 2004 budget resolution. I believe that many of the key objectives of this bill could have been realized within the confines of the budget resolution. By contrast, the tax provisions, while significant in cost, are fully consistent with the revenue levels established by this year's budget.

Mr. Speaker, I believe that the Energy Policy Act represents impressive progress toward a balanced, long-term energy policy to reduce our reliance on foreign oil, stabilize prices for consumers and stimulate our economy. I am particularly proud of the renewable energy provisions in this bill and urge my colleagues to join me in approving this significant legislation.

Mr. STENHOLM. Mr. Speaker, today, I rise in support of H.R. 6; the energy bill that America has waited so long for. Like the original House version of this legislation, I intend to support the conference report on the floor today.

I truly believe this legislation provides the proper framework to diversify America's fuel sources. As Ranking Member on the House Agriculture Committee, I'm glad that there are greater incentives for increased production of ethanol. I'm glad to see production tax credits for wind energy, solar, biomass and nuclear electricity generation. Diversification of our nation's energy sources will help us meet our goal of reducing our dependence on foreign sources of fuel.

More importantly, this energy bill provides the right tools for independent oil and gas producers to continue producing from our own fields. I've been fighting for these measures for years, and I'm glad Congress is finally going to implement them. The time is long overdue for Congress to recognize the importance for America to decrease our use of oil and gas from foreign countries and to capitalize on the resources beneath our own soil. And, contrary to what many groups will lead us to conclude, we can drill for oil and gas without doing damage to our environment. Former Texas Senator Lloyd Bentsen once said that when America imported more than half of its crude and petroleum products, it would have reached a point of peril. Friends and colleagues, we have reached that point.

Although I intend to support this legislation, I must express my extreme disappointment of the process in which this bill was considered. I have worked for years in Congress to promote equality and bipartisanship in this great institution. However, this bill was written behind closed doors with no input from the public. Unfortunately, my Democratic colleagues were not given the opportunity to offer significant amendments to the legislation. This legislation isn't perfect, and it could have been improved significantly if my colleagues were allowed to bring their ideas to the negotiating table.

Mr. KIND. Mr. Speaker, as ranking member of the Subcommittee on Energy and Minerals Resources of the Committee on Resources, I rise in disappointed opposition to H.R. 6.

Like my friend and colleague, Mr. DINGELL, I too was a conferee ''in name only'' on a bill that should have been—and could have been—a comprehensive and balanced plan for our Nation to meet its short and long term energy needs.

The centerpiece of this atrocious energy bill is a multi-billion dollar package of tax breaks and incentives designed to slant the market in favor of fossil fuel industries, and away from meaningful reform through the development of safe, clean and renewable alternatives. Should this bill pass, the Republican leadership will have locked the American economy into the old energy regime for most of the 21st century, with dire environmental and global security consequences.

Current provisions of the bill offer an inexcusably watered down version of the renewable energy production incentives program for solar, wind and geothermal energy, with meager and uncertain monetary incentives, barely reaching $5 million per year, providing little impetus for installing new capacity and unlikely to affect investments in renewable energy in any meaningful way. In addition, conservation efforts, such as mandating the reduction of one million barrels of oil per day by the year 2013, as the other body had approved on a vote of 99–1, was simply left out of the Republican planning.

The few good provisions of the bill, like the renewable fuel standards provision and its potential to aid our Nation's struggling family farmers, have been suffocated by the bloated excess and taxpayer-funded subsidies for some of our Nation's largest oil and gas companies.

Mr. Speaker, when the House considered the energy bill this past spring, I led an effort to stop the Federal Government from providing ''royalty relief'' for multi-billion dollar oil companies such as Exxon Mobil and Chevron Texaco operating on public lands and in coastal waters. This ''royalty holiday'' was once characterized as ''giving major oil companies a huge tax break'' by a candidate for the 2000 presidential election . . . No, not Al Gore but George W. Bush.

So what happened to that assessment? How can President Bush now support a bill that not only contains this very same taxpayer funded giveaway to some of the biggest oil companies in the world—already swimming in huge profits—but a bill that actually expands them?

Unfortunately, the House-passed oil and gas incentive provisions were scored by CBO and projected to reduce the Federal revenues by $20 billion over ten years. The total cost of this bill is $141 billion and it is not paid for. It will be added to historically larger budget deficits for many years.

Mr. Speaker, our Nation is facing huge structural budget deficits, escalating war costs and a sluggish economy. We simply cannot afford to open our checkbook and spend the American taxpayers' money to subsidize industries to do what their business plan would have them do anyway—explore and produce domestic energy sources if it is cost effective to do so.

Mr. PAUL. Mr. Speaker, today we are once again voting to take our Nation further down the path toward a system of centralized Federal planning of our energy supply. The very notion of a national energy policy is collectivist; it assumes that an energy supply would not exist without a government plan. Yet basic economics teaches us that nothing could be further from the truth.

The best energy policy is the free market! Energy is no different than any other commodity—free market, competition produces the most efficient allocation of resources. In a true free market, conservation of scarce energy resources occurs naturally. When coal, natural gas, or other nonrenewable sources are depleted, the price goes up. When alternative energy sources like wind and solar become economically feasible, demand for such sources arises naturally. There is always a

natural market for clean and cheap energy. Only an unregulated free market creates the environment that allows critical technological innovation to flourish, innovation that holds the key to cheaper and cleaner energy.

The approach we take today, however, distorts the market and favors certain industries and companies at the expense of American taxpayers.

It's always the same old story in Washington: instead of allowing the free market to work, Congress regulates, subsidizes, and taxes an industry, and when inevitable problems arise, the free market is blamed! The solution is always more Federal intervention; no one suggests that too much Federal involvement created the problems in the first place.

Let me provide just a few examples of the most egregious, wasteful spending measures and corporate subsidies contained in this legislation: It spends even more than the President requested; it provides $90 million in subsidies for hydroelectric power plants; it provides $500 million for research and development of Biomass; it authorizes almost $2 billion for the Energy Department to do what the private sector would if it was profitable—develop hydrogen cars; it allows FERC to use eminent domain to ride roughshod over State and local governments; it increases failed ethanol subsidies to favored agribusiness companies, while providing liability protection for those companies; it requires States to reduce energy consumption by 25 percent in 2010, including States with growing populations like Texas; it forces taxpayers to guarantee loans for pipeline projects, despite the easy availability of cheap credit; it spends $20 million for the Labor Department to recruit and train Alaskan employees to build a new pipeline; and it authorizes the Energy Department to create efficiency standards for vending machines!

Mr. Speaker, this conference report represents the usual pork, subsidies, protectionism, and regulations that already distort our energy markets. I strongly urge my colleagues to vote ''no'' on this terrible bill.

Ms. DELAURO. Mr. Speaker, in the more than thirteen years that I have been honored to serve in this distinguished institution, I have never seen a piece of legislation less crafted with the public interest in mind than the one we discuss today—the Energy Policy Conference Report (H.R. 6). It consists entirely of subsidies to corporations and rollbacks of environmental protection laws. it is a virtual grab-bag of giveaways to corporate interests.

To say nothing of the severe public health threat posed as a result of the environmental exemptions included in the bill affecting the air we breathe and the water we drink, I would specifically like to raise my strong opposition to two provisions that exemplify the special interest giveaways in this twelve hundred-plus page bill. The first permits a controversial Long Island Sound energy cable, entitled the Cross Sound Cable, to stay activated despite being found in violation of both state and federal permits. The language, listed under Title XIV, Sec. 1441 of Subtitle D, was slipped into the bill by the energy company's newly hired lobbyist, former New York Senator Alfonse D'Amato, and would allow the Cross Sound Cable to remain activated unless rescinded by an act of Congress. It disregards pending litigation by the Connecticut Attorney General pertaining to the safety of the cable and trumping the regulatory authority of Connecticut and the Army Corps of Engineers, which together govern the installation of such transmission cables.

Also included in this bill, under Title XIV, Sec. 1442 of Subtitle D, is a provision, which subordinates all state and federal agencies to the authority of the Federal Energy Regulatory Commission when it comes to the laying of natural gas pipelines. The language would pave the way for the construction of the Islander East gas pipeline across Long Island Sound, stretching from Branford, Connecticut and Shoreham, New York. As a result of this controversial provision that will have wide implications on the construction and appeals of all natural gas pipelines, the Islander East pipeline will be installed over and above the objections of the Army Corps of Engineers and the Connecticut Department of Environmental Protection.

These provisions disregard the needs of our state's economy, our environment and the voices of millions of Connecticut citizens who are directly affected by these provisions. The Republican leadership and high-priced corporate lobbyists have determined that they—and not Connecticut's citizens or elected officials—know what is best for our state.

This is a disgraceful giveaway to special interests at the expense of citizens in my state, and I urge my colleagues to oppose this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the Energy Conference Report. As a Member of the Energy Conference, I am exceedingly disappointed that the Conference was not conducted in a bipartisan fashion. Instead, conference meetings were held behind closed doors with only a select group of Republican House and Senate Members in attendance. As a result of this secretiveness, the Conference squandered an opportunity to craft meaningful, forward-looking energy legislation that could be supported by both sides of the aisle.

House and Senate conferees at long last met yesterday evening, although it was more for show and tell than for a substantive debate on the conference report. Amendments to the report were offered by Democrats and were defeated strictly on party-line votes. The conference meeting was an event patently designed for Republicans to be able to say that they held a meeting of conferees and that they made an attempt—no matter how hollow—at bipartisanship. While the argument that conferees did meet might be persuasive to those unfamiliar with the legislative process, I have served on many conference committees and I know how a true conference is conducted.

A conference of real inclusiveness is one in which Members from both bodies and from both sides of the aisle meet to discuss ideas, exchange views, and make adjustments to their respective positions. Proceeding title-by-title, section-by-section, and line-by-line, conferees adapt the legislation to reflect a broad consensus of views that serve the entire country in ways that neither the House nor Senate bill standing alone would have done. The Energy Bill was never subjected to that test of a true conference. Instead, the bill was crafted by a very small number of partisans in both the House and Senate who, it seems, did not even include a majority of conferees from their own side of the aisle. The result is a bill that tilts egregiously on the side of corporate America and the already privileged.

The number of offensive provisions littered throughout the bill are simply too many to enumerate, so I will highlight just a few examples.

Section 328 of the Conference Report exempts the oil and gas industry from complying with the Clean Water Act's stormwater permitting requirements for construction activities. This provision makes oil and gas exploration the only construction activity not subject to Clean Water Act requirements. It is a complete, unprecedented end-run around one of our Nation's most successful environmental laws, and was written into this legislation without the benefit of public hearings or testimony on the provision.

Section 756(c) of the conference report allows a 250-pound increase in the weight of some heavy trucks, purportedly to provide incentives for trucking companies to utilize a certain type of idle reduction technology. While I support the environmental benefits of reducing truck idling, I cannot support an increase in truck weights that will inflict further damage upon the highway infrastructure and threaten the safety of the driving public. At a time when states are searching for the funds necessary to fix roads that are worn to the point of being unsafe, this provision will increase the stress on our Nation's highway infrastructure, costing taxpayers approximately $300 million each year in increased highway damage. Further, this exemption is unnecessary. The industry's own figures show that idling reduction technologies pay for themselves in reduced fuel costs in approximately two years.

Section 1502 provides special protection for MTBE (Methyl Tertiary Butyl Ether) producers from liability associated with clean up costs and damages caused by MTBE contamination of groundwater. MTBE is a gasoline additive that helps make gas burn cleaner and reduces air pollution, but it also becomes a suspected carcinogen that can contaminate groundwater and surface water. As a result of this special interest provision, taxpayers will be forced to pay the estimated $29 billion cost of cleaning MTBE-contaminated water across the country.

Section 326 establishes a dangerous precedent under the National Environmental Policy Act (NEPA) by authorizing the federal government to reimburse oil and gas companies for the costs of undertaking environmental impact analyses relating to oil and gas leasing. This provision, in combination with a similar provision for geothermal energy, is estimated to cost taxpayers $165 million over the next ten years.

The Conference Report does nothing to increase the average fuel economy standards. One way to ensure that we decrease our dependence on foreign oil it to increase the number of miles per gallon achieved by our cars, trucks, and sport utility vehicles. However, this massive legislation does nothing to address this issue and simply leaves in place the status quo.

The Conference Report contains tax subsidies of approximately $23.5 billion to energy industries—over half of that amount ($119 billion) goes to oil and gas companies. At a time when our country is facing debilitating deficits, there are no offsets to pay for the cost of these enormous tax breaks for energy industries.

These provisions demonstrate the dangers of writing such an expansive bill without allowing participation by all parties. But as we know, not all conferees were allowed to participate in conference meetings. It is a shame

that the Republican majority chose to proceed in this manner because there are some promising provisions in this bill that could begin to move this country in the right direction, such as a provision to equip public buildings with photovoltaic solar energy systems and a provision to promote fuel conservation by encouraging bicycling instead of driving. Not surprisingly, these provisions were adopted from Democratic amendments that my colleagues and I offered on the floor of the House during consideration of H.R. 6 last April. If the conference process had been open to Democrats, I am confident that we could have seen more of these forward-looking provisions in the bill.

But the few positive provisions in the conference report are overwhelmingly outweighed by the many special interest provisions in the bill designed to benefit some large energy corporations at the expense of the American public. When the voice of the Minority is silenced, as it has been these past few months, the result is a misguided policy that benefits the few, not the broad national energy policy that this country needs and which the American people deserve.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in opposition to H.R. 6, the Energy bill that is before us today. I am against this bill due to repealing of provisions that will continue and empower the Enron's of tomorrow and will make our drinking water and air over time unsafe. However, with every bad, I believe there is some good.

Although I realize LIHEAP will be funded under the Labor-HHS Appropriations, I wanted to take a minute to mention section 121 under subtitle B in this bill. I am particularly happy with the amount of $3.4 Billion for each of fiscal years 2004 through 2006 considering that the Appropriations Committee proposed funding LIHEAP at $1.8 billion, which was $200 million less than the President's budget request. We can not let LIHEAP sustain any cuts at a time when projections predict that natural gas prices will be at least 50 percent higher in the coming winter as more than half of LIHEAP recipients rely on natural gas. Last year in Chicago, LIHEAP provided grants averaging $430 per household. No one should have to suffer from the cold this winter.

I am committed to ensuring that our low-income families do not have to rely on their oven or stove or a space heater to stay warm during the winter months.

Unfortunately, Mr. Speaker, this bill does more damage than good for our energy resources, energy usage, and to our environment.

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I rise to express my opposition to this energy bill, which backfires on our responsibility to pass a balanced energy bill.

Let me be clear, you should support this bill only if you thought the Cheney Energy Task Force report was a balanced solution to our nation's energy problems, because this bill is more of the same. Since we got a copy of this bill at 3:30 a.m. this morning, I cannot be sure of all the special interest provisions in this 1,700 page bill. However, I do know that it is harmful for national security, harmful for consumers, and harmful for the environment. Here are just some of the highlights:

The bill seems to be a throw back to the nation's 1950s energy policy. It fails to include standards for providing clean, renewable energy sources that would save consumers money on their utility bills, create jobs, reduce air pollution, and global warming emissions. Instead, this energy bill relies on tax breaks and subsidies for big energy companies. According to the Congressional Budget Office, the bill's price tag exceeds $50 billion over the next decade, adding $18 billion to the deficit. It would give away $3.7 billion to coal-based technology and $6 billion to new nuclear power companies to name a few.

We are missing an opportunity to craft an energy bill that relies on energy efficiency and renewable energy sources instead of fossil fuels. Unlike this bill on the floor today, a bill that supported renewable energy would create four times as many jobs without adding to the deficit, not to mention improving our air and water.

Unfortunately, instead of reducing our dependence on foreign oil, this legislation would actually increase our dependence by creating more hurdles to raising the fuel economy standards for cars and trucks. On top of not addressing the biggest source of air pollution, the bill preserves the $100,000 tax write-off, which professionals can use to purchase Hummers. The Hummer H2 has the unbelievably low fuel efficiency of 10 miles per gallon. While this vehicle does comply with 1950s fuel standards, that is not good enough given the latest research with global warming and technological advances.

Beyond the pollution created by vehicle emissions, my district in Upstate New York, like many communities, has been the unfortunate beneficiary of bad air quality that has been transported from other parts of the country. This bill will not help. In fact, it would greatly compromise the quality of air we breathe by loosening the ozone standards. The bill would allow communities not in compliance with the ozone standards to get more time to clean up without having to implement strong air pollution controls, placing a significant burden on states and communities downwind of these urban areas. However, this bill does not stop at creating loopholes for clean air.

As I discussed in an earlier floor statement today, I am particularly troubled that this bill lets producers off the hook for contaminating groundwater with the gasoline additive, MTBE, a probable human carcinogen. In addition to forcing taxpayers to assume an estimated $29 billion in cleanup costs, it also contains language preventing lawsuits against the industry. As if that was not enough of a break, the bill would also give the industry nearly $2 billion for transition costs, and allow the President or any state to opt out of the MTBE phase out. As a Member representing a state that has found drinking water contaminated with MTBE, this is unconscionable.

So from the details in the bill that I know, we are voting today on an expensive bill with $115 billion in industry givebacks, including $20 billion in direct tax incentives, with only 20 percent of that money going to renewable energy sources, and a bill that roll backs environmental protections. The bill does not save one drop of oil, or value public health and fiscal responsibility. For these reasons, I am forced to vote against H.R. 6.

Mr. SIMMONS. Mr. Speaker, I rise today in support of H.R. 6, the ''Energy Policy Act of 2003.'' H.R. 6 is a critically important piece of legislation that will provide a strong, comprehensive national energy policy that promotes conservation, alternative fuels and technologies, in conjunction with maintaining sound environmental practices.

My constituents in eastern Connecticut support an energy policy that reflects America's 21st century values, its technology and certainly our homeland security needs. My constituents expect Congress to put forth an energy bill that advances a balanced approach to energy production and use by encouraging a responsible, diverse mix of energy sources and options along with a significant investment in conservation and increased efficiency. The Energy Policy Act before this body today does all this by charting a path toward increased energy security and a cleaner environment—in short: secure, reliable, affordable energy for all Americans in a growing economy.

This conference report provides $3.4 billion in LIHEAP funding, including $70 million for Connecticut. These dollars will keep our elderly and poor warm this winter and they need our help.

My home State is known as the ''fuel cell Capital of the World.'' H.R. 6 provides $1.8 billion in R&D funds for fuel cell research, allowing Connecticut to continue to be on the cutting edge of alternative fuel development. The measure puts forth $325 million for the next 3 years for State energy conservation programs; $2.9 billion over the next 5 years for renewable energy research and development; and $2.5 billion over the next 10 years to develop ''clean coal'' technology.

For our Nation's security, H.R. 6 provides $1.5 billion for the Strategic Petroleum Reserve, expanding the Reserve from 700 million to 1 million barrels. Given the instability of the Middle East, this is a prudent energy security move.

Today's bill also includes bipartisan reauthorization of the Price-Anderson Act, which provides insurance in the case of a nuclear accident. The measure contains a number of provisions aimed at enhancing the security of commercial nuclear reactors, including a directive that the president prepare a study of potential threats, authorization to perform background checks on employees, a requirement that the Nuclear Regulatory Commission consult with the Homeland Security Department before issuing a license, and authorization for the commission to allow its employees and the employees of certain contractors and subcontractors engaged in the protection of nuclear facilities to carry firearms. These provisions are particularly important to my district, which relies heavily on nuclear power and is home to all of Connecticut's nuclear power plants; two fully operational and two decommissioned.

Legislation before the House today places our Nation on a forward path toward stronger and more reliable electricity markets. H.R. 6 is a far-reaching, long-term energy policy that will improve the security and reliability of our nation's energy supply in the following ways: it will increase transmission capacity; it will improve the operation of existing transmission and it will make wholesale competition even more successful than it currently is today.

Finally, the bill prohibits opening the Arctic National Wildlife Refuge to drilling and prohibits oil and gas exploration in the Great Lakes. As a life member of the Sierra Club, I am pleased with these prohibitions.

This being said, however, there is one provision I am extremely disappointed was included

in the final product. It concerns a 24-mile cable that runs between new Haven, Connecticut and the former Shoreham nuclear power plant on eastern Long Island, New York. The state of Connecticut and its congressional delegation has adamantly opposed this provision and objects to its inclusion in the final energy bill. This provision will not preclude me from voting for this bill, but I am upset with its inclusion. Where I come from, we call this ''swallowing a rat,'' which means taking the bad with the good. I will ''swallow the rat'' on this provision but I am not happy about it.

Overall, I believe Congress put forth a comprehensive national energy bill. I have long supported finding solutions to the energy crisis that strike a proper balance between conservation and production. I believe that the conference report to The Energy Policy Act of 2003 represents a long-term energy policy that will improve the security, reliability and affordability of our nation's energy supply.

I urge my colleagues to support its passage.

Mr. McDERMOTT. Mr. Speaker, in the midst of a record Federal budget deficit during a time of war, the House today is considering a $23.5 billion tax cut, the overwhelming bulk of which will be enjoyed by oil, gas, and other traditional energy companies.

Sometimes tax incentives can be a valuable tool to help spur innovations in the energy sector. This bill, however, merely provides expensive incentives for the status quo that has only increased our reliance on oil that comes from Middle East monarchies that control the price of our oil through a global cartel.

Even though Republicans argue about the merits of free market competition, the Republicans-controlled House is about to pass a 1000 page measure created behind closed doors with energy industry executives that would provide billions of dollars in Federal subsidies to oil, coal, and nuclear energy companies. These benefits are provided at a time when the price of oil per barrel is over $30, a price that yields generous profits for oil companies.

Never before has our nation cut taxes in a time of war. We didn't cut taxes during the Civil War, either of the World Wars, Korea or Vietnam. Despite our deteriorating fiscal situation, the burgeoning budget deficit, and escalated costs and casualties in Iraq, the Bush Administration and the Bush Congress is intent on sacking our children and grandchildren with an additional $23.5 billion in government debt.

In addition to my budget concerns, this bill erodes laws that protect our environment. The quality of the air that we breathe and the water we drink will be worse tomorrow than it is today, if the Congress adopts this Republican-authored bill.

This bill would roll back portions of the Clean Air Act to allow certain cities to ignore air quality standards.

It would exempt construction at oil and gas company sites from rules on wastewater runoff designed to protect our lakes, rivers, and streams.

It provides a waiver of liability for producers of MTBE, a gasoline additive that has contaminated the drinking water of countless American communities. This waiver, which is sought by Republican Majority Leader, TOM DELAY, would shift the cost of MTBE cleanup from its producers to its taxpayers.

Mr. Speaker, I can create a list as long as my arm detailing the poor policy choices embodies in this energy measure. I urge my colleagues to vote against it.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong opposition to this conference report. In this bill, the most significant energy legislation in 10 years, we had the chance to craft a smart, forward-looking, efficient energy policy. Unfortunately, the 1700-page bill, which costs $140 billion and includes over $23 billion in giveaways, repeals crucial consumer protections, and fails to address global warming and our nation's dependence on foreign oil, is not what I envision as twenty-first century energy policy.

I regret that Senator BINGAMAN's renewable portfolio standard provision was deleted by the conferees. Everyone in my state of New Mexico knows that expanding clean, renewable energy has amazing economic potential for our State, and the country. 1.4 million jobs could be created with a sound renewable energy plan, according to the Economic Policy Institute. Moreover, the lack of a renewable energy plan does nothing to address our dependence on foreign sources of oil, and the national security implications are astounding. I will continue to push my renewable portfolio standard legislation as a stand-alone bill next year.

I am also disappointed that the dangerous uranium provision that may be harmful to my constituents in northwest New Mexico, including many members of the Navajo Nation, stayed in the final bill. Don't let the red herring exemption for New Mexico fool you—since corporate funds are fungible, any monies a corporation may receive to conduct this type of mining will release other funds to conduct this dangerous technique anywhere. I will work with others to minimize the harm caused by this needless subsidy.

Adding to the list of bad provisions, this bill lets polluters off the hook for contaminating groundwater with MTBE, and allows other companies to produce more smog pollution that the Clean Air Act authorizes. It also dramatically increases the potential for global warming by offering huge incentives for burning coal, oil, and gas. In essence the bill reverses ''polluter pays.''

I am thankful for the few provisions in this bill that will be beneficial to my constituents and for our environment and economy. The electricity title does contain some provisions that are beneficial to the rural electric cooperatives in my district. In addition, I am pleased with efforts in the bill to advance the Federal government toward increased energy efficiency, such as the goal of a 20 percent reduction in Federal building energy use by 2013, and funds directed to solar programs with the goal of installing 20,000 solar roof-top systems in federal buildings by 2010. However, weighing the few good provisions with the many bad provisions, I am unable to support the final bill.

Most of all, I am disappointed by the process by which this bill was negotiated. The saying is that no one wants to see the process of making laws or sausage. Unfortunately, Democrats weren't even given the choice. We were repeatedly ignored as Republicans met behind closed doors. The expertise and input of Democrats could have made this a better bill. I hope as we move forward on other conference reports the majority will allow other voices to be heard.

I oppose this conference report and I urge my colleagues to do the same.

Thank you, Mr. Speaker.

Mr. LANTOS. Mr. Speaker, although I am unable to be present for the final vote on the Conference Report on H.R. 6 because of a long-standing commitment, I want to voice my very strong opposition to H.R. 6, the Energy Policy Act of 2003.

Mr. Speaker, only in a one-party process is such a one-sided and ill-conceived bill possible. By excluding Democrats from meaningful participation in the conference committee, the Republican majority has failed to achieve the bipartisan consensus that is necessary to deal with America's real energy security needs.

This bill does little or nothing to help the most populous state in our Nation—my home state of California. I am seriously concerned about the environmental impact of this ill-conceived and one-sided legislation. The bill protects manufacturers of the gasoline additive MTBE that has contaminated water supplies in California. It doubles the subsidy for ethanol, the corn-based anti-pollution gasoline additive that is not particularly helpful in our state. It does little or nothing to protect against an energy crisis such as the one California faced 2 years ago. I am seriously concerned that it opens the door to off-shore drilling in California.

Mr. Speaker, this bill fails to reduce our dependence on foreign oil, and it fails to provide sufficient help for conservation or alternative energy development. In the end, I believe that the only beneficiaries are the oil and gas interests which are slated to receive increased subsidies, not the American consumer that needs help the most. Once again the Republicans in this House are selling out the American consumer in order to benefit their friends in Big Oil and the gas industry.

Ms. WATSON. Mr. Speaker, I rise today to strongly urge my colleagues to vote against the final conference report for H.R. 6.—The Energy Policy Act of 2003.

Just like the medicare prescription drug bill that we will be considering later this week, the latest energy plan is nothing but a big giveaway for this Administration's special-interest friends and will cost our taxpayers over $137 billion.

In fact, the $100 billion tax breaks contained in the energy bill do very little to strengthen our Nation's energy policy. More than a quarter of the tax breaks and incentives in this bill go directly to the oil and gas industry, many of which are the biggest contributors to this President's re-election campaign. These tax breaks will cause our consumers over $6.9 billion due to increases in fuel prices.

What is left are few incentives to encourage energy conservation and very little support for exploring alternative sources of fuel. Even worse, MTBE manufacturers that have caused major water contamination problems throughout my state of California are shielded from product liability lawsuits.

When the bill was first on the floor in April, I protested that the electricity provisions would do little to provide significant new oversight protections to prevent the type of market manipulation that contributed to California's energy crisis 2 years ago. To my astonishment, the final electricity provision in the conference report is even worse. There are nothing but confusing and contradicting provisions on the

development of the electricity grid. Moreover, states are allowed to play only a minimal role in determining the location of new pipelines and transmission lines.

The new energy plan is a disastrous special-interest reward to this Administration's polluter friends and does nothing to stimulate our stagnant economy and create jobs.

It lays out no vision for the future of our energy policy and provides no relief for my home state of California as well as the rest of the nation. I strongly urge my colleagues to defeat this conference report and allow both minority and majority sides the opportunity to formulate a better Energy bill for our citizens.

Mr. HOLT. Mr. Speaker, I rise in opposition to the energy conference agreement that has been brought to the House floor today.

As an energy scientist who spent nearly a decade working at one of the nation's premiere alternative energy research labs, I have worked in Congress to help craft a strategy that will provide real energy security for central New Jersey residents and the United States. That's why Congress should focus on the development of better ways to produce and use energy, including fuel cells, wind power, and fusion. We can fulfill the energy needs of a growing economy without compromising our national security interests or devastating our environment.

Unfortunately, rather than leading us into a secure energy future with a lower dependence on foreign oil, this bill merely subsidizes oil and gas companies to do more drilling—a short-term, ineffective solution.

Before I go into greater detail about my reasons for opposing this bill, I want to mention that I am pleased to see that provisions opening the Arctic National Wildlife Refuge to harmful oil and gas drilling have been removed. This misguided policy would have sacrificed one of our most precious public lands for a minimal amount of resources.

What most concerns me about this bill, however, are provisions that will cause unnecessary harm to our environment while doing little to move this country towards a sustainable energy future. This is not an energy blueprint; it is a clumsy collection of special interest goodies.

I am most concerned about provisions that will affect the Jersey Shore, where the environment means a great deal to the local economy. While I am pleased to see that the conferees rejected a provision what would undo the moratorium on outer continental shelf oil and gas exploration, it seems they are still try to do the same thing in a much more nefarious fashion. by mandating a ''study'' of ways to prevent natural gas shortages by estimating holdings in areas currently off-limits, this bill could in effect open OCS areas to damaging seismic exploration.

Other provisions affecting the Jersey shore include giving the Secretary of Interior Czar-like authority to permit energy projects in the OCS, weakening the Coastal Zone Management Act to undermine states' abilities to protect their own coastal environments, and exempting oil and gas construction from stormwater provisions of the Clean Water Act.

New Jersey also has the dubious distinction of having some of the worst air quality in the nation. but it's not completely our fault—prevailing winds carry pollution from the Midwest to our state, causing more asthma, emphysema, and premature death. That's why I am alarmed to see that right after the Bush administration relaxed Clean Air rules, the conferees have given certain cities a free pass to continue to avoid meeting other clean air requirements enforced by the EPA. This hurts residents of the affected cities and of my central New Jersey district—and certainly doesn't help address our energy problems.

This conference agreement also sets a dangerous precedent—that the primary use of our public lands should be oil and gas drilling or coal mining. Mr. Speaker, my constituents own these public lands just as much as any other American, and I'm quite sure most of them believe that we need a much more balanced approach to the use of our public lands.

Finally, this bill is notable for a few glaring omissions. First, it contains no renewable portfolio standard, a provision that would actually move our country towards a sustainable energy future by increasing our reliance on renewable energy. It contains pitiful levels of incentives for creating new renewable energy sources. It also fails to close the SUV loophole, a shameful part of our tax code that gives the wealthy tremendous incentives to continue buying the largest and most inefficient vehicles on the road.

What's worse, the bill does virtually nothing to reduce our prodigious dependence on oil. At a time when it is clear that our dependence on foreign oil affects national security and it is apparent we will never drill our way to independence domestically, we have an energy bill that refuses to mandate greater efficiency. Not only are there no provisions to increase automobile efficiency, this bill could actually undermine current fuel economy standards.

The real failure of the authors of this bill—in their closed, partisan sessions—is that they have not produced an energy bill. We need an energy bill. The country needs an energy bill, one that lays out a rational, coherent energy plan. The world needs us to do this, so that we not foul our earth by the way we produce and use energy. Instead, we get a grab bag of special interest goodies.

Mr. Speaker, I am voting against this conference agreement today because it is the wrong policy for America's future. Rather than leading us into a secure energy future with a lower dependence on foreign oil, this bill merely subsidizes oil and gas companies to do more drilling—a short-term short-sighted solution.

We need a responsible and sustainable approach to addressing our nation's energy needs. On behalf of the residents of the 12th District, I pledge to continue to work towards the development of a balanced, comprehensive energy plan—one that finds environmentally friendly, sustainable ways to decrease our dependence on foreign oil and slow the degradation of our planet.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to call attention to an issue debated during the Energy Conference, whose time for reform and resolution has come. I am speaking of the Reachback issue, established as part of the Coal Act in the 1992 Energy bill. This insidious tax has caused numerous businesses to fail over the past ten years as a result of its inequitable taking from those that should not have been included in this effort in the first place.

The 1992 Coal Act, as part of the 1992 Energy Policy Act, established the United Mine Workers of America (UMWA) retiree health benefit fund—the Combined Benefit Fund (CBF)—to replace the health care programs that had been created through the collective bargaining process. Not only did the Coal Act require companies who were signatories to the 1988 collective bargaining agreement to pay, but it also retroactively went after companies—referred to as ''Reachback'' companies—that were no longer in the bituminous coal mining business, and assessed them liability for the CBF. These Reachback Companies did not sign the 1988 or later agreements, which were the contracts that guaranteed lifetime healthcare benefits for retired coal miners. Needless to say, the provisions of the Coal Act that created the Combined Benefit Fund were hastily crafted and rushed into law.

This retroactive ''Reachback tax'' has been so crippling for a number of these companies that many have ceased to exist, and the very existence of others continues to be threatened. In order to pay this unfair tax, Reachback companies have had to significantly scale back spending on Research and Development, business expansion (jobs), and economic security.

Many of us in the House, during both the 106th and 107th Congress, pursued legislation aimed at solving the Reachback issue in a comprehensive fashion. We took on these efforts in order to create stability and fairness in the Combined Benefit Fund, and to thereby provide a solution that would address the needs of all interested parties.

I urge the Congress to act expeditiously to provide a solution that will permanently resolve this issue.

Ms. KILPATRICK. Mr. Speaker, one Republican more accurately characterized H.R. 6, the Energy Policy Act, as the ''No Lobbyist Left Behind bill.'' This bill gives $20 billion in tax breaks and subsidies to the oil, gas, coal and nuclear industries. No one has had a chance to look over this bill. I read from the papers that the bill is more than 1,700 pages in length. You can believe that there are many provisions contained in this bill that the other side does not want the public to know. So what better way to disguise this bad legislation than by burying it inside of 1700 pages.

This bill is bad for our national security—it facilitates the proliferation of nuclear fuel. It reverses a long-standing prohibition on the reprocessing of spent fuel from commercial reactors. It promotes, through the Department of Energy's Advanced Fuel Cycle Initiative, joint nuclear research efforts with non-weapon states, and encourages the advancement of advanced nuclear weapons systems.

This bill encourages production over conservation. The conservation provisions are estimated to amount to only three months of U.S. energy consumption between now and 2020.

This bill is bad for consumers as it repeals the Public Utility Holding Company Act (PUHCA). The PUHCA protects consumers by limiting the size and scope of utility companies and subjecting utility holding companies to Securities and Exchange Commission (SEC) regulation. PUHCA also required revenues from utility ratepayers to go into electric infrastructure maintenance, instead of risky financial investments like we saw in the Enron case. In fact, it was PUHCA that kept Enron from owning more than one electric utility and prevented their bankruptcy from affecting more

utility customers. Repeal of PUHCA would allow venture capitalists to put utility ratepayers into almost anything they wanted.

The conference agreement is also bad for the environment. The bill exempts the construction activities at oil and gas drilling sites from compliance with the Clean Water Act. Clean air requirements are relaxed in order to delay reductions in smog pollution. A process to extract oil and gas trapped underground by injecting chemical solutions is exempted from the Clean Water Act. The ability of States to protect their coasts and beaches from energy development projects is weakened.

A provision inserted by the Republican Leadership exempts manufacturers of MTBE (Methyl Tertiary-Butyl Ether) from liability resulting from ground water contamination. Not only does the bill limit MTBE manufacturers from limited liability but also rewards those companies with $2 billion in Federal aid. So the bill shifts a potential $29 billion clean up cost from MTBE manufacturers to taxpayers and water customers. This bill turns the concept of ''the polluter pays'' on its head.

Finally, H.R. 6 does little to enhance our domestic energy security and lessen our dependence on foreign oil supplies. America has only 3 percent of the world's oil reserves; whereas, countries affiliated with the Organization of Petroleum Exporting Countries (OPEC) controls more than 70 percent of the world's reserves. As was previously cited in today's debate, America is a technological giant. But instead of investing in our ingenuity to make us a country that is more efficient in its usage of energy resources, this bill assumes we can fulfill our energy needs by drilling for more oil and natural gas supplies and excavating our way to energy independence.

This represents a failed promise for energy consumers. They will be asked to pay more in energy costs as well as provide subsidies to the energy industry. At the same time, Americans are asked to sacrifice their environmental responsibilities and surrender their rights as energy consumers. This is a bad deal for my constituents in Detroit and Southeast Michigan. It is a bad deal for America, and I urge my colleagues to vote down the conference agreement that has been handed to us.

Mr. MATHESON. Mr. Speaker, I rise to support H.R. 6, the Energy Policy Act. I believe that our country needs a balanced, comprehensive national energy policy that promotes short-term and long-term solutions. We need to increase our energy supplies in an environmentally responsible manner, improve energy infrastructure, and invest in research and development. In the short term, we need more supply, more conservation and energy efficiency, and additional transmission lines and pipelines. But equally as important, a forward-thinking, long-term energy strategy requires a strong commitment to the research and development of current and future energy sources and energy-efficient technologies.

My support for this bill is based on these principles; however, I am extremely disappointed that a provision was inserted in conference that would reclassify radioactive waste from Ohio and allow it to be shipped to Utah. I strongly oppose this provision and I will do everything in my power to ensure that this waste is not dumped on Utah.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this conference report for the Energy Act of 2003. The bill is not perfect but it will make a great stride toward ensuring that the Energy needs of America continue to be met in a changing world. Energy and energy policy are inextricably linked to the U.S. economy, and to the lifestyles of the American people. The business of energy is of critical importance to my constituents.

I wish this bill had more conservation measures in it and had more job creation; however, I believe that it is time to move forward in the Energy debate. We cannot risk going through another Congress without a comprehensive energy policy. There is much good in this bill, much of which came from some creative ideas and hard work in the Science Committee on which I serve. So, I will support this bill.

I come from Houston, Texas, what has been called the energy capital of the world, and I appreciate that oil and fossil fuels deserve much credit for driving our economy and prosperity over the past centuries. I know that coal, oil, and natural gas will continue to play a large role over the next century at meeting our energy needs. However, we all know that fossil fuels are not the wave of the new millennium. Our children, especially in the inner cities like in my District of Houston, have an epidemic of asthma from breathing smog and polluted air. We are overly dependent on foreign sources of oil, bought from people that we would prefer not to be reliant on. No matter how safe we try to be, shipping and pumping oil will occasionally lead to spill and leaks that have tremendous detrimental effects on the environment.

As we craft our national energy strategy, we must balance the need to power our economy and our lives, with our responsibilities as stewards of the environment. As we have worked in Committee, and as I cast my vote today, I will strive to achieve that balance.

I am pleased to see that four amendments that I offered in Science Committee in this and last Congress have been incorporated into today's bill. Ensuring that our nation's Historically Black Colleges and Universities receive their fair share of research funding, will allow us to harvest their great expertise and skills. It will also ensure that the next generation of leaders in the critical field of energy production and utilization will reflect the diversity of our great nation.

Second, my provision for the secondary use of batteries will also help keep our environment clean and improve the efficiency of energy use in the future.

Third, I am gratified to see that language offered by my colleague from Houston NICK LAMPSON and me has been preserved, requiring the Secretary of the Interior to report to the Congress as to the oil and natural gas reserves in waters off the coast of Louisiana and Texas. That provision will lead to a much more comprehensive understanding of our nation's oil production capabilities. No matter how we decide to manage our resources in the future, it is important that we take stock and are informed about our options.

One reason I felt it important to study the production potential in the waters off of Louisiana and Texas, was that Gulf of Mexico oil has been successfully pumped and shipped for years. Thus, little additional impact on the environment would be expected if oil exploration were to be expanded in the future. Tapping such reserves will help satisfy our domestic needs, and will enable us not to pump oil of previously untouched areas—national treasures like the Arctic National Wildlife Refuge. ANWR belongs to all of the American people, and to future generations of Americans. It only contains about a 6-month supply of oil. I do not feel that it is worth the risk to the environment to go take that oil, especially when so many alternatives exist for sources of oil, and options to oil.

New technologies are emerging rapidly to harvest the power of the sun, the wind, and of water to drive progress in the new millennium. Hydrogen holds great promise for becoming a fuel of the future to power our cars and trucks and even household devices with fuel cells. If we know that such technologies will be the way of the future—it is just smart policy to do all we can to stimulate the transition to go as efficiently and expeditiously as possible. We must also ensure that once the transition occurs, that it is American companies that are on the cutting edge of technology—leading and enjoying a good proportion of market share.

Another amendment that I offered in the Science Committee markup, and is in this conference report, will help that transition occur. The provision will require the Department of Energy to enter into discussions with the NASA Administrator, which will enable DOE to tap into the vast expertise in energy gained from past and future research—in order to find technologies that could bolster the existing commercial applications programs at the DOE.

Recently, six agencies, including NIST, DOE, NASA, and the Office of Energy Efficiency and Renewable Energy, launched an effort to improve the exchange of information about their technical programs and to collaborate, in order to ''enhance payoffs from federal investments.'' I applaud that effort. Unfortunately, they have limited their initial priority areas of focus to intelligence in manufacturing and nanotechnology.

Energy security is absolutely vital to our nation's long-term survival, and the well-being of our environment. My provision will build on the existing agreement between the six agencies, by broadening their focus to include DOE/NASA interactions meant to stimulate progress in development of alternative and renewable energy sources. It will have minimal cost, but could yield great benefits.

Our energy needs are complex. We need to be approaching energy policy from multiple directions, with diverse input, in a bipartisan fashion, in order to develop creative strategies for fueling the economy of the future in the sensitive global environment. I am troubled by the fashion in which this conference report was rushed to a vote. We need an Energy policy, but three-days to let us all read the bill would have been better.

Regardless, this battle is over, and we need to move forward. I will vote for this conference report, but will continue fighting to improve conservation measures, and research into the technologies that will provide for the energy demands of the future.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in unfortunate opposition to the Conference Report on H.R. 6, the Energy Policy Act of 2003.

After months of closed door deliberations between Majority Republicans in both chambers, the Conference Report is being rushed to the floor after being filed at 3 a.m. this morning. Additionally, in order to ensure that no one has an opportunity to actually read and examine the text of the Conference Report,

the rule they are bringing it to the floor under waives the normal three-day layover requirement in the House Rules established to ensure Members and the public have the opportunity to review what should be the public business of any operating democracy.

I remain concerned about many provisions that I understand are in the bill, some of which are provisions that were never considered by either legislative body in the House, and by the many provisions that were approved by both chambers and have mysteriously disappeared from the Conference Report. For example, the last minute inclusion of provisions that would give the Federal Energy Regulatory Commission (FERC) the sole authority over natural gas pipelines, would leave my home state of Connecticut powerless to stop construction of natural gas pipelines through Long Island Sound. These provisions are opposed by Governor Rowland and many other Connecticut State officials. The bill waives Clean Air Act requirements, it bars the EPA from taking actions to protect drinking water, it promotes nuclear proliferation by reversing longstanding nuclear policies to not reprocess nuclear waste, it provides more than $23.5 billion in taxpayer subsidies to big energy companies and more than $11 billion to oil and gas companies, just for starters. That's from just a few minutes opportunity to actually look at the text of the bill, let alone determine what the long-term consequences of these actions might be.

Despite these problems, I do want to extend thanks to Science Committee Chairman BOEHLERT and his staff, who were able to stay above the bitter partisan fray the encompassed so much of the drafting. His leadership on the Science Committee, his willingness to discuss ideas and work with each individual member on his committee to craft a truly bipartisan bill that reflects the makeup of his Committee and the constituencies its members represent should be the model for legislative deliberations in this body rather than the exception. In particular, I have enjoyed working with the Chairman on the important fuel cell and hydrogen research provisions in the bill, including the establishment of a $25 million five-year fuel cell transit bus demonstration program and language addressing key fuel cell vehicle and research programs.

It is a shame that so many good efforts and intentions have been swallowed in what has become a haphazard collection of secret back room negotiations and special interest paybacks. The American people deserve an energy policy drafted by the legislative leaders they elected to Congress, not one written by lobbyists in downtown Washington, DC.

Mr. TAUZIN. Paul Gillmor and I make the following joint statement.

The Committee on Energy and Commerce exercises exclusive jurisdiction over the protection of drinking water and groundwater sources. As a result, we believe it is essential that certain provisions in this bill be clarified.

The first area in the conference report to H.R. 6 that we wish to provide further guidance on is section 327, relating to hydraulic fracturing. Section 327 is meant to set the record straight on and clarify any lingering questions regarding the proper role of the states in overseeing the use of this technology. Of course, nothing in the language should be construed as affecting the U.S. Environmental Protection Agency's emergency authority under section 1431 of the Safe Drinking Water Act, 42 U.S.C. 300i.

On another topic, we feel strongly that sound, quality research on groundwater is the best way to contain existing problems and prevent future ones. There are many sections in the conference report to H.R. 6 that call upon the scientific expertise of our nation to understand and aid our national effort to safeguard our natural resources. For instance, section 961 relates to arsenic in groundwater, and there are projects authorized in Subtitle E of Title IX. When evaluating institutions and resources outside of the Federal community to aid in this work, we strongly encourage the use of the Water Quality Laboratory at Heidelberg College in Tiffin, Ohio. Heidelberg College has operated this lab for 33 years and has upgraded monitoring, research, and educational activities. In fact, the work done there is nationally and internationally recognized for the quality of its research and the great detail of its databases on water quality. The Water Quality Laboratory's well water program has a specific specialty in focusing on private rural well conditions. On several occasions, the lab has provided the majority of the data available to examine regional or national water quality issues and implications for environmental and human health concerns. Both government and industry frequently consult this facility for its expertise in the interpretation of water quality data, and we recommend its use for these purposes as well.

Mr. POMBO. Mr. Speaker, the conference report accompanying the comprehensive energy bill (H.R. 6) contains numerous provisions to assist communities around the country with forward thinking new technologies that will provide transportation solutions that are environmentally preferable and more energy efficient. Allow me to highlight one such project in my area that stands to benefit from the programs authorized in this important bill.

To comply with State regulations, Santa Clara County's Valley Transportation Authority (VTA) and San Mateo County's Transportation Authority (SamTrans) are working in partnership on a zero-emission bus (ZEB) demonstration program. Under this partnership, VTA and SamTrans are planning to purchase three hydrogen fuel-cell buses initially and three more at a later date, for a total of six buses. A fuel cell is an electrochemical device that combines hydrogen fuel and oxygen to produce electricity, heat and water. The electricity produced powers the buses. The bus manufacturer is Gillig Corporation, which is based in Hayward, California. The fuel-cell engine manufacturer is Ballard Power Systems, Inc. The buses will be equipped with standard equipment, including air conditioning, ramps for ADA accessibility, destination signs, and audio annunciation systems.

Currently, three hydrogen fuel-cell buses are on order, with delivery expected to begin in April 2004. The contract has an option for the purchase of the three remaining buses when funding becomes available. VTA is taking the lead in demonstrating the operation of these buses, with SamTrans sharing in the operating costs. In addition to the buses, this demonstration program consists of: (a) the installation of a hydrogen fueling station at VTA's Cerone Operating Division that would allow the fuel to be stored in liquid form; (b) the completion of several modifications to the facilities at Cerone, including the installation of two bus maintenance bays with hydrogen detection and safety systems, to allow for the proper maintenance of the new technology and to ensure the safe handling of the hydrogen gas; (c) the training of VTA and SamTrans personnel on the use of the new technology; and (d) the evaluation of the demonstration program.

In addition to being an important element of VTA's and SamTrans' efforts to comply with State regulations, the zero-emission bus demonstration program is intended to test the viability of emerging clean-fuels technology. If successful, the program will help move this technology closer to becoming commercialized and available to public transit across the country.

The conference report accompanying H.R. 6 will authorize new programs that will assist communities like Santa Clara and San Mateo Counties with exciting projects like the ZEB. Specifically, I want to mention three specific provisions that may help in that regard.

Part 2 of Title VII, authorizes a $200 million competitive grant program under the Department of Energy's (DOE's) Clean Cities Program for up to 15 dispersed grants to State or local governments or metropolitan transportation authorities for acquisition of certain alternative fueled, hybrid or fuel cell vehicles, including buses for public transportation. The original committee report accompanying the House bill from which the language in Part 2 was taken (H.R. 238) directs DOE to give special consideration to ''proposals that address environmental needs. . . . in communities seeking to meet zero air emission goals, like Santa Clara County, California'' in carrying out the program.

Part 3 of Title VII, authorizes $10 million per year for the next five fiscal years for DOE for a fuel cell bus program to assist with the purchase of up to 25 buses in 5 locations. The language requires that DOE give preference to projects most likely to mitigate congestions and improve air quality, as would be the case with the ZEB project.

Finally, Title VIII, of the conference report enacts the President's visionary program for hydrogen research. The provisions specifically authorize over $2.1 billion over the next five years for hydrogen-related R&D, as well as for the demonstration of fuel cell and related technologies that advance our understanding and acceptance of these innovative systems. Section 803(c) calls for demonstration projects consistent with a determination of the maturity, cost effectiveness, and environmental impacts of technologies supporting each project. The ZEB project represents an excellent example of the kind of project DOE should be looking at in carrying out the new hydrogen program.

Mr. Speaker, I commend the conferees for crafting such a comprehensive bill and the Administration for having the vision to put forward these innovative new energy solutions. I intend to work with the Administration to improve opportunities for cooperation between DOE and communities like Santa Clara and San Mateo Counties in carrying out the ZEB project.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

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.

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

Mr. MARKEY. 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, this 15-minute vote on adoption of the conference report will be followed by 5-minute votes on the conference report to accompany H.R. 2754, by the yeas and nays; and the motion to suspend the rules on H.R. 1274, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 246, nays 180, not voting 9, as follows:

[Roll No. 630]

YEAS—246

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Evans
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NAYS—180

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Flake
Ford
Fossella
Frank (MA)
Frost
Gilchrest
Gonzalez
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Price (NC)
Rahall
Rangel
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu

NOT VOTING—9

Boyd
DeMint
Fattah
Fletcher
Gephardt
Jackson-Lee (TX)
Jenkins
Lantos
Pitts

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1651

Messrs. LANGEVIN, PASTOR, FORD, OWENS and WATT changed their vote from ''yea'' to ''nay.''

Messrs. TURNER of Ohio, SMITH of Texas, PEARCE and BONNER changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the question on agreeing to the conference report on the bill, H.R. 2754, 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 will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 36, not voting 11, as follows:

[Roll No. 631]

YEAS—387

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
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
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
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)

Lynch
Majette
Maloney
Manzullo
Markey
Marshall
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 (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—36

Akin
Andrews
Berkley
Conyers
Doggett
Evans
Flake
Franks (AZ)
Gibbons
Green (WI)
Hefley
Hensarling
Hostettler
Johnson, Sam
Kennedy (MN)
Kind
Kleczka
Kucinich
Matheson
McDermott
Miller (FL)
Musgrave
Nussle
Paul
Petri
Porter
Ramstad
Rangel
Royce
Sensenbrenner
Shadegg
Stearns
Tancredo
Terry
Toomey
Wexler

NOT VOTING—11

Boyd
Cox
DeMint
Fattah
Fletcher
Gephardt
Jackson-Lee (TX)
Jenkins
Lantos
Pitts
Reynolds

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1659

Mr. TANCREDO and Mr. ROYCE changed their vote from ''yea'' to ''nay.''

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.

CONVEYANCE TO FRESNO COUNTY, CALIFORNIA, EXISTING FEDERAL COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1274, 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 Nevada (Mr. PORTER) that the House suspend the rules and pass the bill, H.R. 1274, 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 421, nays 0, not voting 13, as follows:

[Roll No. 632]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
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
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
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
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
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
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
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
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, 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)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Baker
Boswell
Boyd
Cubin
DeMint
Fattah
Fletcher
Gephardt
Jackson-Lee (TX)
Jenkins
Lantos
Miller (MI)
Pitts

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1708

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.

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. KILDEE. Mr. Speaker, 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 no less than $14,247,432,000 for student financial assistance and the highest funding level possible for subpart 1 of part A of title IV of the Higher Education Act of 1965 (the Pell Grant Program).

APPOINTMENT OF CONFEREES ON H.R. 2417, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. HARMAN

Ms. HARMAN. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Ms. HARMAN 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. 2417 be instructed to insist upon section 344 of the House passed bill (relating to the report on lessons learned from military operations in Iraq) and to include in the conference report a requirement that the report be submitted as soon as possible within the scope of conference.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HARMAN) and the gentleman from Florida (Mr. GOSS) each will control 30 minutes.

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

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

Mr. Speaker, I offer a motion to instruct this bill's conferees to insist upon section 344 of the House-passed bill requesting an intelligence ''lessons learned'' report and to include a requirement that this report be submitted as soon as possible.

Section 344 of the House bill requests within 1 year of enactment a report from the Director of Central Intelligence on intelligence lessons learned as a result of military operations in Iraq. But as we know all too well, the lives of American soldiers, sailors, airmen and -women, Marines and civilians are on the line in Iraq and Afghanistan today. There is an urgent need to identify what policymakers, military forces, and the intelligence community can be doing better today rather than months or years from now.

As we all know, Mr. Speaker, the war in Iraq is not over, and daily reports from Baghdad continue to be grave and disheartening. In the last several weeks, we have seen suicide bombings of the International Red Cross headquarters and several Baghdad police stations, a rocket attack on the al-Rashid Hotel where Deputy Secretary of Defense Wolfowitz was staying at the time, mortar attacks inside the U.S.-controlled Green Zone in central Baghdad, the downing of five U.S. Army helicopters, a suicide bombing of Italian military police in An Nasariyah, and a steady stream of improvised road-side explosive devices directed against U.S. and coalition soldiers.

Coalition forces are being attacked up to 35 times a day. As of today, Mr. Speaker, 181 U.S. soldiers have been killed in Iraq by hostile fire since the President announced the end of major combat operations on May 1. Clearly, our intelligence efforts on the ground are not where they should be. We are only now setting up information sharing fusion centers. We have just recently begun to increase the number of analysts and intelligence experts. The bottom line is that we still know very little about the nature of the insurgency.

Accurate and actionable intelligence is vital if we are to prevail in this continuing conflict, and I and other members of the Committee intend to do everything possible to provide our forces with the very best intelligence. Lessons learned with respect to both prewar intelligence and intelligence support to the war fighters during combat operations are a key ingredient in that effort. The intelligence community must understand what worked well and what did not work so well so that improvements in intelligence support to U.S. and coalition forces in Iraq today can be made as quickly as possible. Lessons learned are also important if future intelligence assessments of Iran, North Korea, and the war on terrorism in general are to be credible.

The gentleman from Florida (Chairman GOSS) has said, and I agree, that intelligence community reform, or transformation, must be on the Permanent Select Committee on Intelligence's agenda next year. That effort should be informed by an understanding of where U.S. intelligence in Iraq needs to be better.

□ 1715

In the course of a 5-month investigation, the House Permanent Select Committee on Intelligence on a bipartisan basis has identified serious shortcomings in the prewar intelligence on Iraq's weapons of mass destruction and ties to terrorism. We found that sketchy and often circumstantial evidence produced estimates that likely were substantially wrong. At a minimum, the intelligence community overstated the strength of the underlying data supporting its conclusions.

Our Senate counterparts are engaged in a similar effort to identify intelligence shortcomings and recommend changes. The Joint Chiefs of Staff have prepared their own assessment of strategic lessons learned from the Iraq war, and I strongly supported the Defense Authorization bill's requirement of a ''lessons learned'' report from the Department of Defense by March of next year.

Unfortunately, the intelligence community has yet to acknowledge any flaws in prewar intelligence. With American lives on the line, the problems with prewar intelligence must be addressed and analyzed now. An intelligence ''lessons learned'' study cannot await the conclusion of David Kay's ongoing WMD search in 9 months or a year from now. Regardless of what he finds, we already know there were problems with collection, analysis, and the way policymakers used the information.

Mr. Speaker, I offer this motion to instruct because the best intelligence is key to stopping the insurgency in Iraq and Afghanistan, which will then permit reconstruction and implementation of true self-government.

I am hopeful that the gentleman from Florida (Chairman GOSS) will accept my motion and that we will continue to work on a bipartisan basis to expedite the report and to implement its findings.

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

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

I appreciate the gentlewoman's comments and, of course, all the extraordinary hard work that she has put in on her side with her staff and her members. It clearly has been a good exercise in bipartisanship which I think distinguishes this House very well on an extremely important subject.

The subject that the gentlewoman has brought up is one of great concern to us. A report on lessons learned from the military operations in Iraq has a place in the bill, much deserved because it is important, and the language that is in there that her proposed instruction goes to in terms of the scope of the conference, for Members' benefit, says a report not later than 1 year after the date of the enactment of this act shall be made on lessons learned,

and we put that kind of a time requirement in, I think, because this is an issue we wanted to keep the pressure up on.

I think that it is pretty obvious that the type of combat that we have in Iraq is not what one would call conventional warfare. I do not know whether the words low-intensity conflict, low-intensity lethal conflict, what the right designation of words are, but it is something different, and there is no question that we are making adjustments as we go along not only with our military, but in our intelligence. Adjustments have, in fact, been made because of lessons learned, some of which have been very painful, some of which have not been so painful. Adjustments are going to continue to be made, and I know that our people are going to do that there because they are very interested in making sure that we minimize our casualties, that we enhance our advantages in every way possible in this lower-intensity type of conflict we are dealing with on a global basis with terrorism, not only in Iraq but elsewhere as well.

I think that it is, as I have said, an important part of the bill to learn and adjust and respond under lessons learned or whatever designation we wish to make. The gentlewoman has suggested that Defense people are talking about March of next year. I am a little wary of assigning any arbitrary dates. I do not think that serves us well because I have a very strong conviction that lessons learned are not going to end on an arbitrary date. I think that they are things that we are going to have to deal with as long as we are in Iraq, and I am not even so sure that we have it right in our report that 1 year from now, we are still not going to be in a position to having lessons learned and made adjustments accordingly.

So I find myself in a position of very much supporting the gentlewoman's idea of making sure that we keep the pressure on, and within the scope of the conference, I think that saying that within this year, hopefully as soon as possible, is a good idea. But I do not wish to suggest in any way, shape, or form by that formulation I have made that this is a one-time deal. I believe that we will be doing lessons learned forever.

I note that we are about to have an anniversary of a great tragic event in our country which was the assassination of President John F. Kennedy. I also note that there is new evidence coming out that says perhaps we have not learned all we should have learned from that tragic event even 40 years later. So in the spirit of the authorization bill, which is for a year, and for the spirit of keeping the pressure on lessons learned and doing the right thing, I am prepared to accept the gentlewoman's amendment in the context of the comments I have made.

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

Ms. HARMAN. Mr. Speaker, I thank the gentleman for those remarks and agree that this is not a one-time deal.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL), ranking member of the Human Intelligence, Analysis and Counterintelligence Subcommittee.

Mr. BOSWELL. Mr. Speaker, I appreciate the ranking member for her hard work and for her leadership on our committee and our chairman in their working together. I appreciate those remarks, and we might call it the interim report, but it will be continuing.

Mr. Speaker, I rise in support of the motion to instruct conferees to insist upon section 344 of the House-passed bill requesting an intelligence ''lessons learned'' report on Iraq and strongly support asking for this report to be submitted to Congress as soon as possible.

Congress does its best work when it asks tough questions. The Permanent Select Committee on Intelligence has asked a lot of tough questions over the past 7 months about our intelligence on Iraq. In our hearings and our briefings, committee members' oversight trips to Baghdad, a lot of talk with dozens of the intelligence officers who fought the war and continue to fight has taken place. I admire their bravery, their patriotism, and their selfless dedication to duty as they prepared this country for what was to take place.

Even as I applaud their efforts, I feel it is my own duty to ask them tough questions, questions like, ''What did you do well?'' Questions like, ''What did you get wrong? What can be done better in the future?''

It is important to ask these questions because the answers are important. The answers are important because we thought we would be tripping over chemical and biological weapons all over Iraq, and so far we have not found any stockpiles of weapons. We need to know why.

These answers are also important for the future credibility of the U.S. foreign policy on Iran, North Korea, and other challenges around the world. And the answers are important for improving intelligence now, today, in Iraq, where our fine men and women face a dangerous insurgency.

For these reasons I believe time is of the essence. The time to ask and to answer these tough questions must begin now. I believe that instructing the conferees to insist on a timely ''lessons learned'' study is the right step forward to answering those tough questions and to making our country and our troops more secure and to be prepared and willing to do better as we go forward from this time on.

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

Ms. HARMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES), an excellent committee member.

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

Mr. Speaker, I rise in strong support of the motion to instruct offered by the gentlewoman from California (Ms. HARMAN).

I traveled in Iraq in May of this year to observe the situation firsthand and to see how our soldiers were fairing in the aftermath of major combat operations. The situation was still tense back then, and today I think it is even worse.

I served in Vietnam, as the Members know, and it is an eerie feeling to see how similar the situation in Iraq today is to the situation back then in Vietnam, insurgents who blend into the local population, the constant danger our soldiers face every day, and the steady stream of American casualties. The Secretary of Defense has said that Iraq will be a ''long, hard slog.'' Our soldiers deserve much better than that. We cannot let Iraq become another Vietnam.

To me that means that we must all be learning lessons as we go along, the military, the intelligence community, policymakers, and Congress. The Defense Authorization bill asks for a ''lessons learned'' report from the Department of Defense by March 31 of next year on military operations in Iraq. However, the intelligence community should be preparing, I think, its own report, not a year from now, but as soon as possible.

In that vein, let me also reiterate a point that was made by our ranking member. The Permanent Select Committee on Intelligence, on a bipartisan basis, already knows that there were serious deficiencies in prewar intelligence on Iraq. In fact, I had such concerns about prewar intelligence even before we went to war with Iraq, which prompted me to write a letter to the gentleman from Florida (Chairman GOSS) and our ranking member (Ms. HARMAN) prior to the initiation of that war. Specifically, my concern was about the connections between Iraq and al Qaeda the intelligence community wrote about just as the administration was trying to build its case for war in the fall of 2002. The intelligence community had not yet previously brought these connections to the committee's attention, even though I had been asking questions along these lines for some time. The intelligence community must review the analysis that it produced in this regard and determine whether there are lessons that need to be learned. Our soldiers deserve nothing less. Our country deserves nothing less.

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

Ms. HARMAN. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentlewoman from California (Ms. ESHOO), another committee member, the ranking member on the Intelligence Policy and National Security Subcommittee.

Ms. ESHOO. Mr. Speaker, I thank the gentlewoman from California (Ms. HARMAN), our very distinguished ranking member, for yielding me this time.

The House Permanent Select Committee on Intelligence, under the leadership of the gentleman from Florida (Chairman GOSS) and the gentlewoman from California (Ms. HARMAN), our distinguished ranking member, has been carefully evaluating the prewar intelligence assessments of Iraq's weapons of mass destruction and Iraq's purported ties to al Qaeda. This bipartisan investigation has already established that the intelligence community significantly overstated the strength of its evidence that Iraq possessed weapons of mass destruction, failed to convey where hard intelligence left off and assumptions began, and dropped caveats from crucial judgments.

In my view, it is also clear that policymakers went even further beyond the intelligence assessments in categorically stating that Iraq possessed chemical weapons and had restarted a nuclear program.

Regarding ties between Iraq and al Qaeda, the intelligence community, in my judgment, curiously made the opposite error. Instead of coming to an overall conclusion, as it did in the case of Iraq's WMD programs, the community simply arrayed everything it had and let policymakers come to their own conclusions, which they were only too happy to do. No one should expect perfection when trying to unearth secrets from a ruthless dictatorship, although a strategy of preempting WMD threats appears to impose that very standard. But we must be honest and forthcoming about the limits of our knowledge and of our ability to penetrate tough targets.

If Iraq had been littered with WMD as predicted, the substantive and methodological shortcomings of our intelligence on Iraq might not have even been noticed. But the attention of the world is instead riveted on the gulf between our estimates and reality. The credibility of our foreign policy requires an explanation. If the world does not witness an appraisal and corrective actions, who will have faith in our future declarations?

It is therefore doubly galling and deeply troubling that the intelligence community leadership rejects the very notion that its estimates were flawed. In this time of peril, it would be dangerously irresponsible to indulge this stubbornness and delay the time of reckoning.

□ 1730

Our security requires action now. That is why I support this motion to instruct.

I appreciate what the ranking member has brought forward. It is thoughtful, it is responsible, and I thank the chairman for supporting the language as well.

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

Ms. HARMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), another member of our committee.

Mr. HOLT. Mr. Speaker, I thank the ranking member, the gentlewoman from California, for yielding me this time; and I rise in support of the motion to instruct conferees to insist on section 344 of the House-passed bill requesting an intelligence lessons learned report.

The data we have received so far, and that is thousands of pages of raw reports, finished intelligence products, statements by administration officials, hearings with key officials, trips by staff and members to Iraq, leads me to judge that there have been serious deficiencies in collection, in analysis, in reporting, and in use of intelligence.

The chairman mentioned that we are always learning lessons, but the case of Iraq presents a particularly good case study that tells us and will tell us how our intelligence operation is functioning. I am struck so far that the leadership of the intelligence community and senior administration officials have seemed unwilling to learn these lessons. They have refused to acknowledge any deficiencies in pre-war intelligence, and I fear that this stubbornness in spite of the facts is harming our intelligence efforts, even today, as our troops fight an insurgency in Iraq.

So in the face of this denial by the administration, I feel that Congress must insist in law on a thorough and substantive lessons learned report.

But that is not the end of it. We have a responsibility in our committee as well to exert oversight, and I hope we will do that. As the committee goes to conference, I also hope that we can make certain that we have foreign language programs that will increase the pool of linguists in critical languages. Our search for the still-missing Osama bin Laden is hampered by language deficiencies of those looking. Dr. Kay's search for weapons of mass destruction in Iraq is hampered by our shortage of people who understand the technical terms of chemical, nuclear, and biological weapons and a flexibility in local language. So there are a number of things that we should be doing in conference, but certainly one of them is insisting on a lessons learned record.

Ms. HARMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), our rookie member of the committee.

Mr. RUPPERSBERGER. A rookie with a bad wing, Mr. Speaker. First, I thank the chairman for accepting this report, and I thank the ranking member also for yielding me this time.

I rise in support of the motion to instruct conferees to insist upon section 344 of the House-passed bill requesting an intelligence lessons learned report on Iraq and strongly support asking for this report to be submitted to Congress as soon as possible.

I was a former Baltimore County executive of one of the larger counties in the country, and I know well the challenges, the exhilarations, and the pains of leading large organizations. Usually, one does not have time to get beyond the crisis that is filling one's inbox. But every so often, especially after a major milestone, a critical part of leadership of an organization is making sure you are asking your people to look back at their failures and successes with the benefit of hindsight to see what has worked well and what can be done better. It is all part of this experience of improving what you do for the next time around so that you are doing the best you possibly can for your constituents and taxpayers. It is even more important to do so when the lessons you learn about the past can directly help your work today.

This is absolutely the case in our work to win the peace in Iraq. I know that our intelligence community had some great successes in Operation Iraqi Freedom. I have no doubt that there were some serious problems. Leadership is about taking on the responsibility to examine what has worked well and what can be done better and making sure those lessons are learned and implemented.

The message here is a bipartisan one, and it is a simple one. Let us not waste any more time. Let us turn talk into action. Let us turn yesterday's problems into tomorrow's solutions. The purpose of this motion is to put behind us debates about who is right and who is wrong and move on to the next step of fixing problems. It is too important for the national security of this country and for our troops protecting this Nation in Iraq and around the world.

Ms. HARMAN. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. HARMAN) has 14¾ minutes remaining.

Ms. HARMAN. May I inquire whether the chairman is going to have speakers? I am curious how we are going to proceed here.

Mr. GOSS. Mr. Speaker, I am very happy to respond to the gentlewoman. The number of requests I have had has been very minimal at this point. I do not know whether that will continue or not.

Ms. HARMAN. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, more Americans have died in Iraq in the last 8 months than died during the first 3 years of Vietnam. There are three Members of Congress who have not put themselves in the secrecy bag in this place, so I represent the 280-some million people in this country who do not know what is going on in the secret world. But it is very obvious from reading the newspapers, whether one reads the American newspapers or the European newspapers, there is an enormous fight going on between the intelligence agencies and the White House.

The Secretary of the Army, or the Secretary of War, or whatever we want

to call Mr. Rumsfeld, saw fit to establish his own agency which gave information to the President, and the President stood in this very well and told us things which apparently he believed, but have turned out to be absolutely fallacious. Nobody, even the President, has come back and said it is not true.

Now, this report, this motion is the minimum that we can do for the American people. We want to know why those kids are dying, why the intelligence was so bad, and why the President took us over there into something that he is now saying, we are not going to cut and run, but what he is doing is calling Mr. Bremer over and saying, how can we get out of here before the election? Now, we have to hurry. We have to get out of here by next June. We were going to have a constitution, and then we were going to have an election; but never mind the Constitution. Let us have the election, and then we will sort of give it to them and run away.

Now, the kids that have died, and if you go up to Walter Reed Hospital and you meet those kids who have lost arms and legs, and you say to them, what was the point of what we were doing? If we run out of Iraq, leaving chaos behind us, we will have diminished what they did. They bravely fought for us. I spent 2 years during Vietnam taking care of kids who went through that, and we cannot put these kids through that same thing.

I urge everyone to adopt this resolution, or this motion to instruct. It is the minimum.

Ms. HARMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, what did George Tenet know? What did Colin Powell know? What did Donald Rumsfeld know? We need to know why it was that the intelligence information relating to the presence of nuclear weapons, chemical weapons, and biological weapons in Iraq was so flawed. Either our intelligence agencies did not know the truth, or they knew the truth, but deliberately exaggerated or distorted the truth to advance a decision to go to war that had already been predetermined; or the intelligence community allowed itself to be bullied or intimidated or cajoled into providing senior Bush administration officials with the answers they wanted to get so that they could begin a war. Any of these options raise very disturbing issues, but we have an obligation to get to the bottom of the situation.

Young men and women are dying in Iraq, and they were supposedly sent to Iraq to prevent Saddam from using weapons of mass destruction that we now know they did not have. We need to learn the lessons of this massive intelligence failure now so that we never have such a situation occur in the future. Our brave young men and women should never be asked to sacrifice their lives for a war whose justification was largely based on faulty or misleading intelligence.

What did George Tenet know? What did Colin Powell know? What did Donald Rumsfeld know? The American people have a right to know.

Ms. HARMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Washington State (Mr. DICKS), the former chairman of this committee and a great expert on intelligence matters.

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

Mr. DICKS. Mr. Speaker, I want to correct the gentlewoman from California. I wanted to be chairman, but never quite made it. I was the ranking Democratic member and did serve for 8 years, and it was the gentleman from Florida (Mr. GOSS), our distinguished chairman, who I miss seeing almost every day for hours, as we did for a few years. I want to compliment him for accepting the motion and compliment the gentlewoman from California (Ms. HARMAN) for offering this instruction.

I would say, based on my experience, the sooner we get lessons learned to the Congress, the better off we are going to be in terms of getting the fixes that we need in terms of our equipment. I can remember General Schwarzkopf coming to the committee and laying out the problems we had in Desert Storm, Desert Shield, in the intelligence area. He said, I want to be able to look over that battlefield and know what the enemy is doing. That led us to push forward UAVs like Predator, like Global Hawk. We also had problems with denial and deception. This time we did so much better out in the West controlling any opportunity they had to bring up Scud missiles, et cetera, et cetera.

But those were because there was a lessons learned process where the Congress got information and we could help get the resources and the programs necessary to help improve our overall military capability. And intelligence lessons learned are also critical.

And my colleagues, many of them here have already spoken, and there is a question of the credibility of the intelligence that was presented to the American people, presented to the Congress, presented to members at the White House.

So I think the sooner we clear this up, the sooner we get this information out in the open, and the sooner we can work together on a bipartisan basis to make the fixes necessary.

There is a lot of talk about the necessity for additional human intelligence. The chairman has been a leader. I can remember the chairman's efforts to add additional HUMINT resources to our intelligence capability, to build back the HUMINT capability. We are finding out that right now we may not have as much of that capability as necessary to deal with the problem that we are facing in this country. Languages was mentioned by the gentleman from New Jersey (Mr. HOLT). That is still a problem. We do not have enough people who speak the various languages that are necessary here.

So again, I want to compliment the chairman for accepting the instruction, and I think we will all be better off getting this information up here as soon as possible to help the Congress next year in the authorization and appropriations process, both the Committee on Armed Services, the Permanent Select Committee on Intelligence, to make some of these fixes that are necessary to improve our overall intelligence capability.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the distinguished vice chairman of the committee.

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

Mr. BEREUTER. Mr. Speaker, I very much appreciate the way that the chairman started the discussion about our bipartisan cooperation in the House Permanent Select Committee on Intelligence, and actually being referred to by Members on both sides of the aisle today. I think that is one of our strong points that we need to work hard at preserving. My colleague from Iowa, my neighbor, said it is important to ask the tough questions in the Permanent Select Committee on Intelligence, and I absolutely agree and I think all of us would. I do not believe we have been timid about doing that, not just recently, but throughout.

□ 1745

And I believe that the administration and the intelligence community, regardless of the administration in the office at the moment, is likely to have more confidence that they can speak candidly, forthrightly, that we do not have to pull things out of them begrudgingly if they understand that we use that work well and that we keep the matters that are classified very carefully, close to the chest, and use it well.

I would say that I think I would certainly disagree, and I have not heard it here, but I would certainly disagree with any broad-brush, sweeping indictment that there were severe problems with intelligence collection analysis or the way the policy makers used the information. We will be looking at that. We do know that there were gaps in intelligence collection, and all of us, I think, have spoken frequently about the problems we have with adequate language and cultural affinity and certainly about the lack of HUMINT.

Now, if there is one area of the world, about three or four where we had a real gap in HUMINT, it was, of course, in Iraq. And gaps equate to information that does not flow to the intelligence community which they cannot use, which they cannot respond to us on. So I would say that a collection problem

would exist if senior managers in the ISC were not taking active steps to address the known gaps in collection.

We have heard something just a few minutes ago about lessons learned. And, of course, those lessons to be learned do not suddenly appear at some point in time in the future. I believe we have been learning lessons throughout this last several weeks and months. And I believe that the intelligence authorization bill, which we are prepared to bring a conference report to this floor soon, does, in fact, reflect some of the lessons we have learned in the conflict in Afghanistan and in Iraq and the intelligence operations that preceded and continue to be conducted in those countries. So lessons learned are being acted on, and there is more that we can learn.

And I think there is no hesitation on having the kind of review that will make Members comfortable that we are taking the right steps to support the community and, in fact, to demand responses and demand actions where changes need to be made.

So with those comments, Mr. Speaker, I heard the acceptance of the gentleman from Florida (Mr. GOSS) of the language of the gentlewoman from California (Ms. HARMAN), and I think we can move forward in a bipartisan way. I hope, therefore, that our colleagues in the House will continue to have confidence in this Permanent Select Committee on Intelligence and that in this House, we are operating to the maximum extent possible with bipartisan support of the Members and the bipartisan activities involving all Members actively involved in the process.

Ms. HARMAN. Mr. Speaker, we have no additional speakers. I plan to close.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), distinguished subcommittee chairman of a critical part of the Permanent Select Committee on Intelligence which does bring out the point of question of human assets and what most people understand about intelligence, and it is a people business. He is our subcommittee chairman of the committee that is responsible for worrying about those areas of intelligence, and has obviously got a critical role to play.

In addition, the gentleman from Nevada (Mr. GIBBONS) has led the charge on some of the programs and projects that have been particularly difficult. And I am much indebted for the work he has done on this bill.

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

Mr. GIBBONS. Mr. Speaker, first of all, I would like to thank the gentleman from Florida (Mr. GOSS), the chairman of the committee, for the way he has handled this committee. I think it goes above and beyond what we would have expected. Chairman GOSS has led this committee through some rather difficult times in this war on terrorism and, indeed, our war in Iraq.

There is no question in my mind that a lot of statements have been made this evening about the substance of the intelligence, the quality of the intelligence. Let me say that our committee has undertaken to review the intelligence. We have not made any conclusions at this point. We have not reached any determinations. I may have my own personal opinions about the quality of the intelligence, as I am sure we all do. However, the committee has not done so in a formal basis. I wanted to make sure that that was clear.

But there is sufficient intelligence out there, and I think we all have agreed over the time that I have been there and listened to the cases being made why Saddam Hussein and this war in Iraq was essential to the people, to the efforts of the people of America to go forward. But I just wanted to take the time to stand here and sort of challenge the idea that there was a flawed intelligence process.

I think intelligence is a form of art, and it is not something that is in concrete. It is an evolving process. We have not yet determined all of the facts. We will look into that. Our committee is doing so. And I certainly hope that we can continue to do this in the fair and bipartisan fashion that this committee has been known for, and especially our chairman has been known for over the past 8 years that he has been in charge, or 7 years that he has been in charge of this committee that I have served on. This is an important time for all of us.

I think we have an opportunity here to do what many of us want and that is to learn what it is that we can do to help the intelligence community around the world. And by doing our job, and our job is to ask the tough questions, we will be better prepared to do just that. And I think under the leadership and the guidance of the chairman, we will be able to bring to this House a very sound conclusion, a very reasoned approach on what it is our Permanent Select Committee on Intelligence should be doing, what it is our intelligence community should be doing, and how we can best support them.

Ms. HARMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I want to join those who have congratulated the Members of the Permanent Select Committee on Intelligence, particularly the chairman of the committee, the gentleman from Florida (Mr. GOSS), as well as the gentlewoman from California (Ms. HARMAN), our ranking member, for the job that they have done under some very difficult circumstances. This is an issue that really needs the kind of attention that it seems to be getting under their leadership.

I think that this motion to instruct is very appropriate, particularly at this moment. There has been some recent criticism from a variety of sources with regard to the quality of intelligence that was available to the administration prior to their advocacy of war in Iraq, and prior to the resolution passing this Congress a year ago October. It is very important that we understand every aspect of that intelligence.

Now, what we have heard is that the administration has not gotten very good intelligence, that they were misled, perhaps, by poor intelligence with regard to the connection of Saddam Hussein and al Qaeda, and also on the issue of weapons of mass destruction. But there is another aspect of that that ought to be looked at very, very carefully and that is essentially this: The administration, many of the important people of the administration, Mr. Rumsfeld, Mr. CHENEY, particularly, were given intelligence, but there is a substantial amount of evidence to indicate that when they were given the intelligence that there was little or no connection between Saddam Hussein and Usama bin Laden and that there was little or no evidence of weapons of mass destruction in Iraq, their instructions back to the providers of that intelligence, to Mr. Tenet and others, was this: We do not like that intelligence, will you go back and get other information. And they got that instruction a number of times. That is an issue that needs to be looked at very, very carefully.

The quality of intelligence, yes, but what about the way in which that intelligence was received by policymakers within the administration. I believe that those policymakers corrupted that intelligence, and that is a question that needs to be examined in great detail and with complete accuracy.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD) who is the chairman of the Subcommittee on Terrorism and Homeland Security, which is rather relevant to this subject.

Mr. LAHOOD. Mr. Speaker, I appreciate all the words about bipartisan. I wish that the bipartisanship that has been talked about would have been manifested in the vote that we all cast around here to send our troops the money that they need to do the job that they are doing.

It is great to talk about bipartisanship, and it is great to say that we all have it, but the truth is when it came time to give the resources that are needed in Iraq, some people were not there. Some people in the Permanent Select Committee on Intelligence were not there. So I think we need to examine the idea of bipartisan and what it really means.

The other comment I want to make is this: I think the instruction is fine. We all know it is probably a little bit meaningless because most instructions are, but the kind of words that have

been used around here in a way, the way that I see it, in a way to degrade people who work in the intelligence community, I think is a little bit despicable. And I want to say a word about people who work in the intelligence community, people who work in dark places in this world, people who collect information, people who we do not know, who most of us do not know, who do the hard work, we get paid for our jobs and they get paid too, but we do not get paid to put our life on the line in the way that they do.

We have a wonderful group of people who work very, very hard and are very experienced and do a great job collecting information in dark places in the world, and they deserve a lot of credit. They do not need to have people come on the floor and tell them they are not doing their job the right way. What they need to do is have the kind of encouragement that those of us who have the oversight responsibility and work with people who have the oversight responsibility to say to them thank you for a job well done, and thank you for putting your lives on the line.

And this idea that we are not getting right information or it is not perfect or it is not what we want or it is not being used the right way, in my opinion, is nonsense. And, hopefully, that is what the report will bring out a year from now. But we ought to be paying kudos and compliments to people in the intelligence community, including, in my opinion, from the Director George Tenet all the way up and down the line, people who work in places that none of us have ever been. They deserve our compliments, our credit, our applause, and anything else we can give them. They do a great job.

Mr. GOSS. Mr. Speaker, I wanted to thank the gentlewoman from California (Ms. HARMAN) again for bringing this forward. I think we focused on an important part of what we are about and finding out what went wrong to make sure that it is fixed, helping those involved in the executive branch to do the best job they can and reduce the risk to the greatest degree possible in what is a very dangerous business. That is a worthy effort.

I want to point out I certainly agree with the motion. Obviously, I did not agree with all of the statements that were made in support of the motion. That would not be my job, or relevant, any way.

□ 1800

I think that Members have heard today that the themes of the bill that we have passed, the intelligence authorization bill that the House passed, have come out a number of times. Yes, there were gaps in the information that we were able through our intelligence community to provide with specificity to our decisionmakers.

I think that is called the fog of war. It is also called intelligence. If we knew everything, we probably would not need to have an intelligence organization. We certainly would not need to have analysts.

The fact is we do not know everything. We try to get as much as we can. We try and analyze it as well as we can. We try to get the value added to it. As the gentleman from Illinois (Mr. LAHOOD) has so eloquently said, there are a lot of people taking a lot of risk out there in very unpleasant circumstances, as we stand here this evening, who deserve an awful lot of credit to get the best we can.

If there are gaps in it, we will try to provide more resources and a different mix of capabilities to reduce those gaps. We have had some very good commentary by the gentleman from New York (Mr. BOEHLERT) in the committee, the gentleman from New Jersey (Mr. HOLT) echoing it here today about language problems. We have had public hearings about lack of necessary capabilities, whether we call them insufficiencies, or whatever word. No question, we have got to do some different things and more of them so our decision-makers have an easier time of it and can be more convinced that what they are doing is on hard fact to the greatest degree possible.

I think that it is important that Members know that our inquiry is ongoing. We have not reached conclusions as was stated. We are in the process of reaching conclusions. Our oversight will continue, and we will be going about our business. We will get the authorization bill conference back as quickly as we can, I hope, and get that matter under way. And then we will be right back to business doing our oversight and advocacy on the Permanent Select Committee on Intelligence as we do every day, working all together.

I thank all the members of the committee and all the staff, both sides of the aisle and those in the middle as well.

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

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

Mr. Speaker, let me first thank the chairman for accepting this motion to instruct and for years of partnership on the committee trying to do the Nation's business in the right way. These are very hard issues; and they require sober thought, careful articulation and collaboration with the intelligence community. We intend to offer criticism where we can offer it constructively and to engage in an ongoing dialogue with the intelligence community.

It is an honor to serve as ranking member of this committee. I respect its traditions and all the members, and staff who work so hard. Let me say to our friend, the gentleman from Illinois (Mr. LAHOOD), that I agree with him. There are very good people in the intelligence community.

When the chairman and I recently sent some constructive criticism to the Director of Central Intelligence, our letter started with a long paragraph about how good the people are who do our work for the intelligence community. But it is my view that these good people can do better and they can do better if we ask tough questions in a constructive fashion and if we can help them learn from things they have not done as well as they possibly could. So that is what we are talking about here.

We are talking about requesting a lessons learned report as soon as possible so that by looking backward on some things that were done not as well as possible, we can look forward where we have ongoing force protection issues in Iraq and huge intelligence challenges in Iran, North Korea and elsewhere, and do things better. Good people with better tools performing better.

In conclusion, Mr. Speaker, I think maybe we should freeze-dry this debate. It was substantive. It was serious. Like the chairman, I did not agree with every single word that was said, but I think every single word that was said was said with seriousness and with substance, and that is the kind of debate that we should have around here. And, oh, by the way, we also should have outcomes like this because the chairman has accepted this motion to instruct. I hope that should we end up voting on it, the vote will be unanimous or near-unanimous and that will, by my lights, be a very big victory for this body.

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

The SPEAKER pro tempore (Mr. SIMPSON). 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 California (Ms. HARMAN).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 404, nays 12, not voting 18, as follows:

[Roll No. 633]

YEAS—404

Abercrombie	Bartlett (MD)	Blunt
Ackerman	Bass	Boehlert
Aderholt	Beauprez	Boehner
Akin	Becerra	Bonner
Alexander	Bell	Bono
Allen	Bereuter	Boozman
Andrews	Berkley	Boswell
Baca	Berman	Boucher
Bachus	Berry	Bradley (NH)
Baird	Bilirakis	Brady (PA)
Baker	Bishop (GA)	Brady (TX)
Baldwin	Bishop (NY)	Brown (OH)
Ballance	Bishop (UT)	Brown (SC)
Ballenger	Blackburn	Brown, Corrine
Barrett (SC)	Blumenauer	

Brown-Waite, Ginny
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
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
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
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
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
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
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
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—12

Barton (TX)
Biggert
Bonilla
Burgess
Everett
Flake
Johnson, Sam
LaHood
Sessions
Tiahrt
Tiberi
Young (FL)

NOT VOTING—18

Boyd
Cubin
Cunningham
DeMint
Dooley (CA)
Fattah
Fletcher
Gephardt
Isakson
Jackson-Lee (TX)
Kleczka
Lantos
Murtha
Pitts
Stark
Sullivan
Weiner
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1825

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

Mrs. BLACKBURN, Mr. WELLER and Mr. TURNER of Ohio changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. GOSS, BEREUTER, BOEHLERT, GIBBONS, LAHOOD, CUNNINGHAM, HOEKSTRA, BURR, EVERETT, GALLEGLY, COLLINS, Ms. HARMAN, Messrs. HASTINGS of Florida, REYES, BOSWELL, PETERSON of Minnesota, CRAMER, Ms. ESHOO, Mr. HOLT and Mr. RUPPERSBERGER.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

Messrs. HUNTER, WELDON of Pennsylvania and SKELTON.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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 tomorrow.

EXPRESSING SENSE OF HOUSE THAT JOHN WOODEN SHOULD BE HONORED FOR HIS CONTRIBUTIONS TO SPORTS AND EDUCATION

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 411) expressing the sense of the House that John Wooden should be honored for his contributions to sports and education, as amended.

The Clerk read as follows:

H. RES. 411

Whereas John Wooden has been honored with the Presidential Medal of Freedom, the Nation's highest civilian award;

Whereas John Wooden was a successful amateur basketball player who led Martinsville High School of Martinsville, Indiana, to the 1927 Indiana State Championship and led Purdue University to the 1932 NCAA Men's Basketball Championship;

Whereas John Wooden, during 40 years of coaching, compiled an 905–205 (.815) record;

Whereas John Wooden coached the UCLA Bruins to 88 consecutive victories;

Whereas John Wooden coached the UCLA Bruins to 10 NCAA Men's Basketball Championships in 12 years;

Whereas since 1976 the Wooden Award has been presented annually to the most outstanding collegiate basketball player of the year and the nine All-American team members, as well as selected most valuable high school players;

Whereas John Wooden nurtured and inspired many of the greatest basketball players of all time who would be examples of sportsmanship, courtesy, and commitment and would go on to fame in their own right;

Whereas John Wooden is one of only two men enshrined in the Basketball Hall of Fame as both a player and a coach;

Whereas on December 20, 2003, the basketball court in Pauley Pavilion at UCLA will be named ''The Nell and John Wooden Court'';

Whereas John Wooden is a respected author whose books on achieving success have inspired many to reach their goals and climb to the top of their professions; and

Whereas John Wooden developed the ''Pyramid of Success'', a graphic representation of the ideals that form the basis of Wooden's outlook on life and explain much of his success on and off the court: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates John Wooden for receiving well-deserved recognition through the Presidential Medal of Freedom, the Nation's highest civilian award, and the naming of the Pauley Pavilion basketball floor in his honor; and

(2) commends the unparalleled achievements and contributions of John Wooden in the fields of sports and education.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. 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. 411.

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

There was no objection.

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

Mr. Speaker, I rise in support of H. Res. 411 which honors the contributions to sports and education by UCLA basketball coach John Wooden. I want to thank my good friend, neighbor and Bruin, the gentleman from California (Mr. LEWIS), for introducing this resolution to recognize a man who is nothing short of a legend in our part of the State.

Coach Wooden concluded his 40 years as a head coach in 1974–75 and his 885–203 overall career win-loss record is unequaled. In 27 years as coach of the UCLA Bruins, his teams registered 620 wins and only 147 losses while earning far more national honors than any other university. Under Wooden, UCLA won an unprecedented 10 NCAA championships, including seven consecutive championships from 1966 to 1973.

□ 1830

Included in this string is one of the most amazing win streaks in all of sports, 38 straight NCAA tournament victories. That feat is truly unbelievable.

Additionally, John Wooden is the only coach to compile four undefeated seasons of 30–0 and his Bruins teams captured 19 conference championships. His talent on the court earned him induction into the National Basketball Hall of Fame as both a player and a coach. Coach wooden is only one of two people to receive this dual honor.

Early in his career, John Wooden committed himself to sports and academics. As an English major, his name is inscribed on Purdue's academic honor roll, and he was awarded the Big Ten Conference medal for scholarship and athletics in 1932. His commitment to scholarship and sportsmanship have inspired and nurtured countless student athletes, and we owe him our thanks and admiration.

I want to, once again, thank my colleague from California for introducing this resolution and extend my congratulations to Coach John Wooden for his achievements and contributions to collegiate athletics. I ask all of my colleagues to support this 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. 411. This resolution honors the contributions which former UCLA coach John Wooden made to college sports and to education.

Coach Wooden is recognized as one of the most successful players and coaches in basketball history. He is one of only two individuals who have been enshrined in the Basketball Hall of Fame as both a player and coach.

Coach Wooden finished his coaching career with an 885–203 record. He coached the UCLA Bruins to 88 straight victories. He coached the Bruins to championship wins in 10 out of 12 seasons. This record of athletic championship is legendary.

While Coach Wooden has been honored for his accomplishments on the court, he has also been recognized for his leadership and personal qualities. Coach Wooden was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor. In addition, he inspired his players to achieve success in their own right. He also is an accomplished author.

Coach Wooden has inspired us with his legendary ability to win on the court. But he has also inspired us with his ability to help young people develop into leaders in their own right. For that, this House and this country owe him our thanks.

In closing, Mr. Speaker, I would urge Members to support this resolution.

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

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the author of this resolution.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the gentleman from California (Mr. MCKEON), my colleague, for yielding me this time. And it is a very proud moment for me to rise on behalf of literally thousands of UCLA alumni who are proud, and in just a small way, a small way, not just to be associated with this great university but to be associated with the name of John Wooden who has been our great basketball coach all of the time I have looked at UCLA, but will remain our preeminent basketball coach for all time.

I must say it is very appropriate that we do this today, in view of the fact that on December 20, the basketball floor at Pauley Pavilion will be dedicated the Nell and John Wooden Court. The Edwin W. Pauley Pavilion sits right across the way from the John Wooden Center on the UCLA campus. The Pauley's donors are listed across the bottom of a plaque outside the building. Fifth from those on the bottom, of those supporters, is John Wooden himself.

This incredible individual, whose background and success pattern has been discussed by both of my colleagues already, has demonstrated for all time to all of us who are fans of UCLA that here is an example that we would all hope to begin to be able to follow. For those who do not know just how strongly I feel about UCLA, I would certainly want John Wooden to know this, my dog happens to be named Bruin.

Having said that, over the years it has been my privilege to talk to any number of our alumni who have participated or worked with or been around John Wooden. He, indeed, has been an inspiration to literally thousands, as I have suggested. His dedication to our college, to the sport, is a reflection of the fact that his whole lifetime has been one of production for excellence. He and his wife symbolize the most fantastic of that which should be family life.

Over the years, John Wooden demonstrated his early capability as a leader, becoming an All-American basketball player. As a basketball coach at UCLA, no one, but no one will ever attain his record again. He is an inspiration to all of us, as I have suggested.

I might mention that in the 10 championships during his seasons at UCLA, UCLA won only 291 of those games and lost 10 during that string. During those years, my own children were youngsters, thinking about going away to college, and I was interested in having them take a look at UCLA. I will never forget my twin sons going with me on the very evening in Pauley Pavilion when they raised that 10th banner symbolizing the 10 seasons of excellence for Coach Wooden's career.

It is a great privilege for me to be a small part of this resolution this evening, and I wish John Wooden Godspeed, and, indeed, the contribution he has made is a symbol for all of us to follow.

Mr. MCKEON. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. OSBORNE), another former coach, another great coach, now a Member of Congress and who serves on our Committee on Education and the Workforce.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman from California (Mr. LEWIS) for introducing this resolution. John Wooden's coaching accomplishments have already been mentioned, and I do not need to go over those a whole lot; but I would just like to have people think for a minute how difficult it would be when there are over 200 Division I teams to be the top team, the one that came out on top in the national tournament 10 times, seven times in a row. Mathematically, that is almost impossible. So his win-loss record was amazing, 88 wins in a row. When you think of the home court advantage in basketball, to have won half of those away from home is remarkable.

But that is really not why I wanted to speak about John. As far as I am concerned, John Wooden is the greatest coach that I have known in any sport, in any era. And the reason I say this is not based on his wins and losses, but rather it is based on his philosophy of coaching, the way he did it and the fact that he was a consummate teacher.

His attention to detail was amazing. And it ranged from showing his players how to put their socks on. Now, that seems like a strange thing to do, but every year he would show them personally how to put on two pairs of socks so

they would not get blisters and would not get wrinkles. That is where it started, and then it went on to how to dribble, how to pass, how to shoot, how to bend your knees on a free-throw. So tremendous attention to detail. And then, of course, he went on to his pyramid for success, which was essentially the building blocks for success, which so many corporations and businesses have incorporated at the present time.

So, essentially, it was the base: the loyalty, perseverance, teamwork, integrity, and on up the line to what led to success. But one principle that influenced me more than any other issue in coaching was simply this: he said that he never talked about winning to his players. Now, that is amazing, a coach who had coached that long never mentioned the word winning, never talked about it. He quoted Cervantes, and Cervantes said this: ''The journey is more important than the end.'' And what he meant here was that the process, the thing that you do every day, is the important thing. Not the end result.

So how to dribble, shoot, pass. In coaching football, to block and tackle, maximum effort, unselfishness, teamwork, discipline. And doing it every day at every moment was the key to what he was all about. So his commitment to fundamentals and daily discipline and team chemistry and his caring for his players led to the wins, but that was not the important thing to him.

I guess now that I am out of coaching, I understand even better what he was talking about. Because it really is not the rings, it is not the trophies, it is not the championships that you remember. The thing that you really remember is the relationships, the personal growth of your players, their character development, their shared struggles, and sometimes the spiritual growth you see in those players.

Just a couple of weeks ago I pulled out one of John Wooden's tapes that he had made at age 92, and it was amazing the clarity and the attention to detail that he had at age 92. Certainly every bit as sharp as he was when he was 40 or 45. So this man has had a tremendous impact on a whole generation of coaches and players that has gone beyond what anybody else has ever done.

So I am pleased to just have a chance to say a word or two about him and certainly support the resolution.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER), a former member of the committee, a Hoosier, who wants to claim Mr. Wooden for his own.

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

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from California for this resolution. There are many great basketball coaches, Mr. Speaker; but John Wooden was certainly the greatest basketball coach of all time. His 88-game winning streak has never been matched. Notre Dame beat him at the beginning and the end, I have to point out, but it was nevertheless a tremendous winning streak.

But given the debate here, you would think he was a Californian. In fact, I think it is the same John Wooden who was a Purdue All-American and who led them to the national championship. When he was at South Bend Washington High School, where he started out in coaching, he used to go to my father-in-law's Zimmer Food Shoppes for breakfast before he went over there, which is in South Bend, Indiana. And then he coached at Martinsville and a number of small colleges in Indiana.

Much like Illinois trying to claim Lincoln, we say Indiana made Lincoln, Lincoln made Illinois; and so Indiana made Wooden, Wooden made UCLA.

Mr. MCKEON. Mr. Speaker, I just comment that we are certainly glad Coach Wooden came to California.

Mr. WAXMAN. Mr. Speaker, it is a privilege to honor today a distinguished constituent of Los Angeles, the "Wizard of Westwood" himself, Coach John Wooden. His incredible achievements on the basketball court have shattered the record books and set the bar to which all college basketball teams and coaches are compared today.

Coach Wooden is without question the most successful college basketball coach in history. In his first year coaching at UCLA in 1948, Coach Wooden took a team that was picked to finish last in its conference and took them, through sheer perspiration and hustle, along to first place in their division, setting a school record for wins in a single season. The next season, Coach Wooden led the Bruins to their first ever NCAA tournament appearance.

Under his masterful guidance over his twenty-seven year coaching career at UCLA, the Bruins set all-time college records with four perfect seasons, 88 consecutive victories, 38 straight NCAA tournament victories, 20 PAC–10 conference championships, and ten national championships, including seven in a row. Coach Wooden and his Bruins teams were synonymous with being #1, and it is likely that these records will never be surpassed. Coach Wooden was deservedly recognized as Coach of the Year six times, and is enshrined in the Basketball Hall of Fame as both a player and coach.

Yet, it is his successes off the court as a mentor and gentle teacher which make Coach Wooden's legacy far greater than statistics could ever measure. While at UCLA, Coach Wooden developed his "Pyramid of Success" principles which formed his philosophy of winning basketball and outlook on success in life. Embodied in maxims such as "be quick, but don't hurry" and "it is not important who starts the game but who finishes it," Coach Wooden instilled in his players the qualities of leadership, teamwork, hard work, and attention to detail, hallmarks of his great teams, which the players applied to their personal lives as well.

"Things turn out best for those who make the best of the way things turn out," Coach Wooden likes to say. It was Coach Wooden's guidance that enabled these students to become humble, accomplished persons as well as athletes, long after their basketball careers ended.

With his loving and devoted wife Nell by his side, John Wooden's incredible impact on his players, on the UCLA community, and the sports world in general will always be remembered. A man of the highest integrity, Coach Wooden demanded only the best from a person and from his talents.

I am also submitting for the RECORD a piece about Coach Wooden by Rick Reilly that appeared in *Sports Illustrated* in March 2000. It is further testament to this great man's character and contribution to sport.

It is a distinct honor to pay tribute to this legendary teacher and coach today, a role model for all of us, both athletes and fans alike, to follow.

A PARAGON RISING ABOVE THE MADNESS

(By Rick Reilly)

On Tuesday the best man I know will do what he always does on the 21st of the month. He'll sit down and pen a love letter to his best girl. He'll say how much he misses her and loves her and can't wait to see her again. Then he'll fold it once, slide it in a little envelope and walk into his bedroom. He'll go to the stack of love letters sitting there on her pillow, untie the yellow ribbon, place the new one on top and tie the ribbon again.

The stack will be 180 letters high then, because Tuesday is 15 years to the day since Nellie, his beloved wife of 53 years, died. In her memory, he sleeps only on his half of the bed, only on his pillow, only on top of the sheets, never between, with just the old bedspread they shared to keep him warm.

There's never been a finer man in American sports than John Wooden, or a finer coach. He won 10 NCAA basketball championships at UCLA, the last in 1975. Nobody has ever come within six of him. He won 88 straight games between Jan. 30, 1971, and Jan. 17, 1974. Nobody has come within 42 since.

So, sometimes, when the Madness of March gets to be too much—too many players trying to make SportsCenter, too few players trying to make assists, too many coaches trying to be homeys, too few coaches willing to be mentors, too many freshmen with out-of-wedlock kids, too few freshmen who will stay in school long enough to become men—I like to go see Coach Wooden. I visit him in his little condo in Encino, 20 minutes northwest of L.A., and hear him say things like ''Gracious sakes alive!'' and tell stories about teaching ''Lewis'' the hook shot. Lewis Alcindor, that is, Kareem Abdul-Jabbar.

There has never been another coach like Wooden, quiet as an April snow and square as a game of checkers; loyal to one woman, one school, one way; walking around campus in his sensible shoes and Jimmy Stewart morals. He'd spend a half hour the first day of practice teaching his men how to put on a sock. ''Wrinkles can lead to blisters,'' he'd warn. These huge players would sneak looks at one another and roll their eyes. Eventually, they'd do it right. ''Good,'' he'd say. ''And now for the other foot.''

Of the 180 players who played for him, Wooden knows the whereabouts of 172. Of course, it's not hard when most of them call, checking on his health, secretly hoping to hear some of his simple life lessons so that they can write them on the lunch bags of their kids, who will roll their eyes. ''Discipline yourself, and others won't need to,'' Coach would say. ''Never lie, never cheat, never steal,'' Coach would say. ''Earn the right to be proud and confident.''

You played for him, you played by his rules: Never score without acknowledging a teammate. One word of profanity, and you're done for the day. Treat your opponent with respect.

He believed in hopelessly out-of-date stuff that never did anything but win championships. No dribbling behind the back or through the legs. ''There's no need,'' he'd say. No UCLA basketball number was retired under his watch. ''What about the fellows who wore that number before? Didn't they contribute to the team?'' he'd say. No long hair, no facial hair. ''They take too long to dry, and you could catch cold leaving the gym,'' he'd say.

That one drove his players bonkers. One day, All-America center Bill Walton showed up with a full beard. ''It's my right,'' he insisted. Wooden asked if he believed that strongly. Walton said he did. ''That's good, Bill,'' Coach said. ''I admire people who have strong beliefs and stick by them, I really do. We're going to miss you.'' Walton shaved it right then and there. Now Walton calls once a week to tell Coach he loves him.

It's always too soon when you have to leave the condo and go back out into the real world, where the rules are so much grayer and the teams so much worse. As Wooden shows you to the door, you take one last look around. The framed report cards of the great-grandkids. The boxes of jelly beans peeking out from under the favorite wooden chair. The dozens of pictures of Nellie.

He's almost 90 now, you think. A little more hunched over than last time. Steps a little smaller. You hope it's not the last time you see him. He smiles. ''I'm not afraid to die,'' he says. ''Death is my only chance to be with her again.''

Problem is, we still need him here.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the resolution, H. Res. 411, as amended.

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

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MAJETTE. Mr. Speaker, due to a death in my family, I was unable to cast votes on Friday, November 7, 2003. Had I been present on rollcall 616, I would have voted ''yea,'' on rollcall 617 I would have voted ''yea,'' on rollcall 618 I would have voted ''yea,'' and on rollcall 619 I would have voted ''yea.''

I was away on official business yesterday, Monday, November 17, 2003, in my district; and I was unable to cast votes on rollcalls 620 and 621. Had I been present on rollcall 620, I would have voted ''yea,'' on rollcall 621 I would have voted ''yea,'' on rollcall 622 I would have voted ''yea,'' and on rollcall 623 I would have voted ''yea.''

CONGRATULATING THE UNIVERSITY OF ILLINOIS FIGHTING ILLINI MEN'S TENNIS TEAM FOR ITS SUCCESSFUL SEASON

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 391) congratulating the University of Illinois Fighting Illini men's tennis team for its successful season.

The Clerk read as follows:

H. RES. 391

Whereas the University of Illinois Fighting Illini men's tennis team concluded its season with a rare Triple Crown, including national championships in the team tournament, singles tournament, and doubles tournament, which were held at the University of Georgia in Athens;

Whereas the Fighting Illini became the first team that used three different players in the singles and doubles tournaments to capture the Triple Crown of college tennis since the current NCAA tennis team championship format began in 1977;

Whereas the Fighting Illini won the first NCAA team championship in the history of the University of Illinois tennis program as well as the first national team title for the university in any sport since 1989;

Whereas the Fighting Illini became the first team, other than the teams of the University of Southern California, Stanford University, the University of California, Los Angeles, and the University of Georgia, to win the national title since the NCAA adopted the current team championship format in 1977;

Whereas the Fighting Illini earned the team's first Intercollegiate Tennis Association National Indoor Championship in February 2003, which propelled the team to the number one ranking where it remained for the entire season;

Whereas the Fighting Illini won their seventh consecutive Big Ten Conference regular-season championship, as well as their sixth Big Ten Tournament crown in the last seven years;

Whereas the Fighting Illini have become the team with the all-time most wins, and the fourth undefeated and untied team in the 84-year history of the University of Illinois men's tennis program; and

Whereas the Fighting Illini team member, Amer Delic, won the first national singles title of the University of Illinois and team members Rajeev Ram and Brian Wilson won the university's second NCAA doubles crown: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and recognizes the University of Illinois Fighting Illini men's tennis team, coach Craig Tiley, and associate head coach Bruce Berque for the team's historic, successful, and monumental season; and

(2) directs the Clerk of the House of Representatives to send, upon passage, an official copy of this Resolution to coach Craig Tiley, assistant coach Bruce Berque, and all other members of the 2003 National Championship men's tennis team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 391.

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

There was no objection.

□ 1845

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

Mr. Speaker, I rise in support of House Resolution 391, a resolution congratulating the University of Illinois Fighting Illini men's tennis team for its successful season; and particularly its rare Triple Crown win.

The mission statement for the University of Illinois Division of Intercollegiate Athletics states that its aim is to ''have the highest quality athletics program in all sports that allows the University of Illinois teams to compete for championships in the Big Ten Conference and the National Collegiate Athletic Association.''

The men's tennis team accomplished this ambitious and worthwhile goal when, earlier this year, the fighting Illini concluded its season with a national championship win in the team tournament, the singles tournament and the doubles tournament. Since the tennis team championship format began in 1977, no other team has captured the Triple Crown of college tennis by using three different players in the singles and doubles tournaments.

Additionally, deserving of commendation is the Fighting Illini's seventh consecutive Big Ten Conference regular season championship and their sixth Big Ten Tournament crown in the last 7 years.

The Fighting Illini has become the team with the most all-time wins and the fourth undefeated and untied team in the 84-year history of the University of Illinois men's tennis program. The distinction earned by these players and their remarkable repeat victories of the team reflect the dedication of each player, the leadership of Coach Craig Tiley, and the support of family, friends and fans. I thank the gentleman from Illinois (Mr. JOHNSON) for introducing this resolution and extend my congratulations to each of the hard-working players on each of the Fighting Illini teams, to Coach Tiley, and to the University of Illinois, I am happy to join my colleagues in honoring the success of this team and wish them continued success. I ask my colleagues to support this 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. 391 and commend the gentleman from Illinois (Mr. JOHNSON) for introducing this resolution.

This resolution recognizes the success of the University of Illinois men's tennis team. The Fighting Illini finished off its season with a rare Triple Crown, including national championships in the team tournament, singles tournament and doubles tournament. This marked the first team championship for the tennis team at the University of Illinois. In fact, this is the first national championship for the Fighting Illini in any sport since 1989. I congratulate Coach Craig Tiley and all of

the student athletes on the tennis team.

Winning a national championship is something to be proud of, not only for the university but for its students, faculty, and the surrounding community. The achievement that marks a national championship brings out the best athletic performance our collegiate sports have to offer. Everyone involved in this should be congratulated for their performances.

In closing, I would urge Members to support this resolution, and again I commend the University of Illinois men's tennis team, extend to them my commendations and extend to the President, President Stukel and all of the faculty, this is a rare occurrence for the University of Illinois. I know everybody in Illinois is indeed delighted that the university has reached this milestone.

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor a truly remarkable group of young athletes. The University of Illinois fighting Illini Men's Tennis Team had a memorable and historic 2002–2003 season. Beside winning their seventh consecutive Big Ten Conference regular-season championship, as well as their sixth Big Ten Tournament crown in the last 7 years, the undefeated Fighting Illini won the first NCA team championship in the history of the University of Illinois tennis program.

Using three different players in the singles and doubles tournaments, the Illini captured the rare triple crown of college tennis by winning the national championships in the team tournament, the singles tournament, and the doubles tournament and were the first team in the Nation to do so with three different players since the current NCAA tennis team championship format began in 1977.

Coach Craig Tiley, Assistant Coach Bruce Berque and the entire University of Illinois men's tennis team are a great source of pride for their university, the Champaign-Urbana community and the 15th District of Illinois. I thank Chairman BOEHNER and Alison Ream of the Education and Workforce Committee for their help with bringing H. Res. 391 to the floor and I ask my colleagues to support the bill.

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

Mr. MCKEON. Mr. Speaker, I thank the gentleman from Illinois (Mr. JOHNSON) for bringing forth this resolution honoring the Fighting Illini athletes, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the resolution, H. Res. 391.

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.

CAPTIVE WILDLIFE SAFETY ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1006) to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species, as amended.

The Clerk read as follows:

H.R. 1006

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Captive Wildlife Safety Act''.

SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (f) the following:

''(g) PROHIBITED WILDLIFE SPECIES.—The term 'prohibited wildlife species' means any lion, tiger, leopard, cheetah, jaguar, or cougar species, or any hybrid of such a species.''.

SEC. 3. PROHIBITED ACTS.

(a) IN GENERAL.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking '', or'' at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting ''or'' after the semicolon at the end; and

(iii) by adding at the end the following:

''(C) any live animal of a prohibited wildlife species (subject to subsection (e));'';

(B) in paragraph (3)(B), by inserting ''or'' after the semicolon at the end; and

(C) in paragraph (4), by striking ''paragraphs (1) through (4)'' and inserting ''paragraphs (1) through (3)''; and

(2) by adding at the end the following:

''(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

''(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to importation, exportation, transportation, sale, receipt, acquisition, or purchase of an animal of a prohibited wildlife species, by a person that, under regulations prescribed under paragraph (3), is described in paragraph (2) with respect to that species.

''(2) PERSONS DESCRIBED.—A person is described in this paragraph, if the person—

''(A) is licensed and inspected by the Animal and Plant Health Inspection Service with respect to that species;

''(B) is a State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

''(C) is an accredited wildlife sanctuary that cares for prohibited wildlife species and—

''(i) is a corporation that is exempt from taxation under section 501(a) of the Internal Revenue Code 1986 and described in sections 501(c)(3) and 170(b)(1)(A)(vi) of such Code;

''(ii) does not commercially trade in animals listed in section 2(g), including offspring, parts, and byproducts of such animals;

''(iii) does not propagate animals; and

''(iv) does not allow direct contact between the public and animals; or

''(D) has custody of the animal solely for the purpose of expeditiously transporting the animal to a person described in this paragraph with respect to the species.

''(3) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in cooperation with the Director of the Animal and Plant Health Inspection Service, shall promulgate regulations describing the persons described in paragraph (2).

''(4) STATE AUTHORITY.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.''.

(b) APPLICATION.—Section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (as added by subsection (a)(1)(A)(iii)) shall apply beginning on the effective date of regulations promulgated under section 3(e)(3) of that Act (as added by subsection (a)(2)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

GENERAL LEAVE

Mr. GILCHREST. 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. 1006.

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

There was no objection.

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

Mr. Speaker, as a cosponsor of this legislation, I am pleased to rise in strong support of the Captive Wildlife Safety Act. This measure addresses the growing problem of unqualified and inexperienced individuals who are purchasing an increasing number of large exotic cats. There are dozens of Web sites that offer lion or tiger cubs for as little as $300. Sadly, we know that one of those Internet tigers ended up living in deplorable conditions in an apartment complex in Bronx, New York.

While these species are extremely attractive when they are young, they quickly become 400-pound unwanted pets. Those buying these cats simply do not have the knowledge or resources to provide the specific nutritional, physical and environmental requirements of these animals. In many cases, they are unaware of the animals' growth patterns and the enormous cost of caring for them over their lifetime. In addition, escaped exotic animals have seriously injured or killed a number of our citizens.

In far too many cases, these pets are abandoned, locked away in tiny cages, or sold for their hide, meat and bones because, sadly, they are worth more dead than alive. H.R. 1006 will help to solve the problem by making it illegal to buy, sell, or trade certain large exotic cats in interstate or foreign commerce.

Under the terms of the bill, the term ''prohibited wildlife species'' is defined to include lions, tigers, leopards, cheetahs, jaguars and cougars and the hybrids of those species. The measure does not ban the private ownership of these cats and specific exemptions have been provided by qualified aquariums, circuses, sanctuaries and zoos.

During our subcommittee hearing, there was a great deal of support for H.R. 1006. One of our witnesses was Ms.

Tippi Hedren who is not only a famous actress, but also someone who has dedicated her life to saving hundreds of wildlife species by operating the Shambala Sanctuary in southern California. In her remarks, Ms. Hedren noted that the Captive Wildlife Safety Act is a bipartisan, commonsense measure to safeguard the public and prevent harm to animals. It will help to stop a largely underground, and in many cases criminal, economy that breeds, trades, and butchers wild, exotic and often endangered species.

Mr. Speaker, this is a timely solution to a growing problem, and I compliment the gentleman from California (Mr. MCKEON) and his constituent, Tippi Hedren, for their tireless leadership on this legislation. I urge an aye vote on H.R. 1006.

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

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

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

Mr. PALLONE. Mr. Speaker, as the gentleman from Maryland (Mr. GILCHREST) said, H.R. 1006 is a noncontroversial bill that was passed and reported by voice vote by the Committee on Resources on September 11.

The final language incorporates some minor, noncontroversial changes that were made by the other body to further refine the bill passed by the House.

Recent news reports have repeatedly demonstrated that the holding and unsupervised breeding of large cats, such as lions and tigers, is not only dangerous to the handlers and the general public, but this growing trend is also extremely harmful to the welfare of these magnificent predatory animals.

The limited provisions in this legislation will finally provide a straightforward strategy to address this problem by prohibiting the interstate trade in these animals or hybrids derived from these animals. Moreover, this legislation will ensure that in the future, only those facilities that are Federally or State licensed or have the requisite capabilities to care for these animals are allowed to do so. We can only hope this transition will be short.

I commend the bill's sponsors, the gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. GEORGE MILLER) for their tireless leadership in bringing forward this sensible animal welfare legislation, and I urge Members to support this bill.

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

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support for H.R. 1006, the Captive Wildlife Safety Act. I thank the gentleman from Maryland for his support and for his leadership in bringing this bill to the floor.

This act will take a large stride in preventing future acts by lions, tigers, and other exotic cats to people in our towns and cities across the country. In early October, a tiger found in a New York City apartment generated wide media attention to the issue of private ownership of wild animals such as lions and tigers. While this seems like an isolated incident, it represents one of the many attacks that have occurred over the last several years. Before we saw footage of the 400-pound tiger on the national news, we saw reports that people of all ages, including children, have fallen victim to injury or death by such animals. This problem has persisted over time as trade of lions, tigers and other big cats have continued to flourish.

Some estimates state that there are more than 15,000 exotic cats living in captivity in the United States. While some are held in zoological institutions and preserves, most of these animals are maintained as pets, caged in back yards, basements or closets. These animals can be purchased at auctions or on Web sites that advertise and sell these animals.

Lions and tigers are inherently hardwired to hunt, attack and defend themselves with brutal force when feeling threatened. It is for this reason that the U.S. Department of Agriculture, the American Veterinary Medical Association and the American Zoo and Aquarium Association have taken public stands against keeping these dangerous carnivores as pets.

The dangers these big cats pose to people are self-evident and well documented. In Loxahatchee, Florida, last February, a 58-year-old woman was bitten in the head by a 750-pound pet Siberian-Bengal tiger mix. In Lexington, Texas, in October 2001, a 3-year-old boy was killed by his stepfather's pet tiger. This past April, two people fell victim to tiger attacks, a 35-year-old woman in Adair, Oklahoma, and a 32-year-old man in Hennepin, Illinois. Both these tigers were being held at unaccredited animal parks, and the results are all too clear.

These animals require trained personnel equipped with the proper tools and facilities to ensure they are kept in an environment where the probability of an attack is lowered to the safest possible level. How can we expect a person with no experience in caring for a tiger or lion to have the knowledge and education to take necessary safeguards to prevent an attack? People in neighborhoods and communities across the country should no longer have to take that risk.

This legislation would add lions, tigers, cheetahs, leopards, jaguars, and cougars to the Lacey Act to prohibit these animals from being sold or purchased in interstate or foreign commerce. This will greatly decrease the possibility of one of these animals escaping from captivity, bringing further harm and injury to innocent people around the Nation.

I thank the gentleman from California (Mr. GEORGE MILLER) for helping me on this bipartisan effort. I also extend special thanks to the Committee on Resources chairman, the gentleman from California (Mr. POMBO), and once again the subcommittee chairman, the gentleman from Maryland (Mr. GILCHREST), whose leadership was essential in this endeavor.

I also want to send my gratitude to a dear friend and constituent of mine, Tippi Hedren, whose expertise and knowledge helped in the introduction of this bill, and who, for more than 30 years, has worked tirelessly in the defense, protection and care for animals.

In conclusion, I urge my colleagues to support H.R. 1006 which will help stop the spread of big cats and provide an essential safety mechanism to further decrease the number of attacks on people by these ferocious animals.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER), a sponsor of the bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time and his efforts for helping to bring this bill to the floor. And I also thank the gentleman from California (Mr. MCKEON) for his steadfast efforts to get this bill before the committee. I also want to take a moment to thank Loren Bausell and Jean Flemma, both former staff of mine, who helped initially craft this legislation when I introduced this bill has year, and worked with the gentleman from California (Mr. MCKEON) on this year's proposal.

□ 1900

I also want to thank the gentleman from California (Mr. POMBO), chairman of the Committee on Resources; and the gentleman from Maryland (Mr. GILCHREST), the subcommittee chair, for their efforts. I would like to join the gentleman from California (Mr. MCKEON) in also thanking Tippi Hedren, who has been involved in this issue for so many years and whom I have had an opportunity to meet with numerous times on this subject matter. To see this bill now come to the floor I think is an important milestone in her effort for the safety of the public and for the welfare of these large animals.

I hope we can quickly reconcile the differences between the House and Senate legislation and get this enacted into law this year. This bipartisan bill represents a firm commitment to protect the safety of the American public and the welfare of wild animals that are increasingly kept as pets.

Our bill provides a first step in addressing a growing national problem. According to best estimates, there are more than 5,000 tigers in captivity in the United States. There are perhaps more tigers in captivity than there are tigers in their native habitats throughout the range in Asia. I have got a stack of news articles over an inch

thick describing instances in almost every State where some exotic pet escaped and was roaming around a suburban neighborhood. There are also more disturbing articles about well-intentioned pet owners who have run out of money because the feeding of a 200-pound tiger is very expensive. Then there are the cases where the animals, which are far from domesticated, harm their owners or others.

Owning an exotic cat is not like owning Morris the house cat. These animals are big, they cost a lot to feed, and they are one degree away from their wild instincts at any moment. The Captive Wildlife Safety Act bars the interstate sale or transportation of lions, tigers, leopards, cheetahs and cougars, or their hybrids, in an attempt to exercise some control over the burgeoning interstate commerce of these animals. The legislation would not ban all private ownership of these prohibited species; rather, it would outlaw the commerce of these animals for use as pets.

The bill is specifically aimed at the unregulated and untrained individuals who are maintaining these wild animals as exotic pets. Zoos, circuses, and sanctuaries are better equipped with both the physical and financial resources to care for these animals and are not affected by this legislation.

At a time when almost anything can be bought on the Internet, it is not surprising that the animals can all be purchased through the more than 1,000 Web sites that promote private ownership of these wild animals. The Captive Wildlife Safety Act represents an emerging consensus on the need for comprehensive Federal legislation to regulate what type of animals can be kept as pets.

We simply have got to understand that we have got to do this both for the safety of our neighborhoods which now has occurred both in suburban areas and rural areas and even now in urban areas with the captive keeping of these animals. We have got to do it for the safety of the neighborhoods, and we have got to do it for the welfare of these animals. We cannot let the care of these animals, the welfare of these animals be kept in a haphazard fashion based upon the whims of an individual at any given time simply to grab the ownership of one of these animals only later to find out that they are not trained or capable in other ways to take care of these cats or financially cannot take care of them and they either turn them over to the public or they set them loose or these cats escape and cause danger in the neighborhoods. It is not fair to the animals, and it is certainly not in the best interest of our communities. I would hope that we would be able to pass this legislation right away.

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

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

I just want to make a closing comment. I would like to thank the gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. GEORGE MILLER) for their effort to stay steadfast with this legislation to get it passed. I want to thank the gentleman from New Jersey (Mr. PALLONE) for assisting us in this. I also want to thank the committee staff on both sides of the aisle for their knowledge and information and help with the passing of this bill. I urge my colleagues to vote ''aye.''

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 1006, 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. GEORGE MILLER of California. 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.

ESTABLISHING REQUIREMENTS FOR AWARD OF CONCESSIONS IN NATIONAL WILDLIFE REFUGE SYSTEM

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1204) to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1204

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

SECTION 1. LEASES, PERMITS, AND CONTRACTS FOR BUILDINGS, FACILITIES, AND PROPERTIES IN THE NATIONAL WILDLIFE REFUGE SYSTEM.

(a) IN GENERAL.—The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) is amended by—

(1) striking section 6 (relating to amendments to other laws, which have executed);

(2) redesignating section 5 (16 U.S.C. 668ee) as section 6; and

(3) inserting after section 4 the following:

''SEC. 5. CONCESSION CONTRACTS.

''(a) CONTRACT REQUIREMENT.—(1) The Secretary shall not authorize a person to use any land or water in the System for any activity described in subsection (b), except under a contract that complies with the requirements established under subsection (c).

''(2) The Secretary may not award a contract required under this subsection except under a competitive bidding process.

''(3) This subsection does not apply with respect to any administrative site, visitors facility, or revenue producing visitor service mandated or authorized pursuant to section 1306 or 1307 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3196, 3197).

''(b) COVERED CONCESSION ACTIVITIES.—(1) The activity referred to in subsection (a) is any commercial activity conducted to provide accommodations, facilities, or services to members of the public who are visiting lands or waters in the System, for the purpose of providing such visitors recreational, educational, or interpretive enjoyment of lands or waters in the System.

''(2) Such activity does not include—

''(A) any activity carried out under a procurement contract, grant agreement, memorandum of understanding, or cooperative agreements;

''(B) the performance of volunteer services;

''(C) any activity by a governmental entity;

''(D) the operation of a bookstore in a refuge facility by a national wildlife refuge Friends organization; and

''(E) the performance of any guide or outfitter services authorized by any permit or other authorization issued by the Secretary, including services related to fishing, hunting, boating, sightseeing, hiking, or camping, except that this subparagraph does not include the construction, maintenance, or occupancy of significant structures or facilities.

''(c) STANDARDIZED CONTRACT.—(1) The Secretary, acting through the Director, shall issue regulations that implement this section.

''(2) Regulations under this subsection shall authorize a contract to use a provision other than those specified, by the Secretary as part of a standardized contract only if—

''(A) the provision addresses extenuating circumstances that are specific to a refuge or the contract; and

''(B) the provision is approved by the Secretary in writing.

''(3) The Secretary shall require in each contract provisions that require that any activity conducted in the System under the contract—

''(A) must be a compatible use; and

''(B) must be designed to—

''(i) conserve the natural and cultural resources of the System;

''(ii) facilitate the enjoyment of the lands and waters of the System by visitors to the System; and

''(iii) enhance such visitors' knowledge of the natural resources of the System.

''(d) MAINTENANCE AND REPAIR.—(1) Notwithstanding any other provision of law, the Secretary shall include, in each contract that authorizes a person to use any land or water in the System for any activity described in subsection (b), provisions that—

''(A) authorize the person to maintain or repair any improvement on or in such land or water that the person is authorized to use for such activity; and

''(B) treat costs incurred by the person for such maintenance or repair as consideration otherwise required to be paid to the United States for such use.

''(2) This subsection does not authorize any maintenance or repair that is not directly related to an activity described in subsection (b) that is authorized by the contract.

''(3) The United States shall retain title to all real property that is maintained or repaired under this subsection.

''(e) NO COMPENSABLE INTEREST.—Nothing in this Act shall be considered to convey to any person any right to compensation for—

''(1) the value of any maintenance activities, repairs, construction, or improvements on or in land or water in the System; or

''(2) buildings, facilities, fixtures, and nonmovable equipment that the person is authorized to use under this Act.

''(f) EXPENDITURE OF FEES AND OTHER PAYMENTS.—(1) Amounts received by the United States as fees or other payments required under any agreement, lease, permit, or contract for use of real property located in an area in the System, other than lands withdrawn for Native selection pusuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) shall be available to the Secretary for expenditure in accordance with this subsection, without further appropriation.

''(2) Amounts available for expenditure under this subsection may only be used—

''(A) at the refuge or refuge complex with respect to which the amounts were received as fees or other payments;

''(B) to increase the quality of the visitor experience; and

''(C) for purposes of—

''(i) backlogged repair and maintenance projects (including projects relating to health and safety);

''(ii) interpretation, signage, habitat, or facility enhancement; or

''(iii) administration of agreements, leases, permits, and contracts from which such amounts are derived.

''(3) Paragraph (1) shall not affect the application of the Act of June 15, 1935 (chapter 261; 16 U.S.C. 715s), commonly referred to as the Refuge Revenue Sharing Act, to amounts referred to in paragraph (1) that are not expended by the Secretary under paragraph (1).''.

(b) APPLICATION.—Section 5(a) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section, shall apply only with respect to a concession that is—

(1) first awarded after the date of the publication of regulations under section 5(c) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section; or

(2) renewed after the end of the 3-year period beginning on the date of the enactment of this Act.

(c) DEADLINE FOR REGULATIONS ESTABLISHING PROGRAM REQUIREMENTS.—The Secretary of the Interior shall issue regulations under section 5(c) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section, by not later than 18 months after the date of the enactment of this Act.

(d) COMPREHENSIVE CONSERVATION PLAN REQUIREMENT.—Section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

''(5) The Secretary shall include, in the comprehensive conservation plan for each refuge under this subsection, a description of the activities that may be conducted in the refuge, and the lands, waters, and facilities of the refuge that may be used, under concession contracts awarded under section 5(a).''.

(e) PRIOR AMENDMENTS NOT AFFECTED.—Nothing in this section shall be construed to affect any amendment made by section 6 of the National Wildlife Refuge System Administration Act of 1966, as in effect before the enactment of this Act, or any provision of law amended by such section.

SEC. 2. ANNUAL REPORT ON NATIONAL WILDLIFE REFUGE CONCESSIONS.

(a) REPORTING REQUIREMENT.—The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) is further amended by amending section 7 (relating to amendments to another law, which have executed) to read as follows:

''SEC. 7. ANNUAL REPORT ON CONCESSION ACTIVITIES IN THE SYSTEM.

''(a) IN GENERAL.—The Secretary shall submit by December 31 each year, to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report on concessions activities conducted in the System.

''(b) CONTENTS.—Each report under this section shall describe the following with respect to the period covered by the report:

''(1) The number of refuge units in which concessions activities were conducted.

''(2) The names and descriptions of services offered in the System by each concessionaire.

''(3) A listing of the different types of legal arrangements under which concessionaires operated in the System, including contracts, memoranda of understanding, permits, letters of agreement, and other arrangements.

''(4) Amounts of fees or other payments received by the United States with respect to such activities from each concessionaire, and the portion of such funds expended for purposes under this Act.

''(5) An accounting of the amount of monies deposited into the fund established by section 401 of the Act of June 15, 1935 (chapter 261; 16 U.S.C. 715s), popularly known as the refuge revenue sharing fund, and of the balance remaining in the fund at the end of the reporting period.

''(6) A listing of all concession contracts and other arrangements that were terminated or not renewed within the reporting period.

''(7) A summary of all improvements in visitor services in the System that were completed by concessionaires and volunteers during the reporting period.

''(8) A summary of all backlogged repair and maintenance, facility enhancement, and resource preservation projects completed by concessionaires and volunteers during the reporting period.''.

(b) DEADLINE FOR FIRST REPORT.—The Secretary of the Interior shall submit the first report under the amendment made by subsection (a) by not later than 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

My bill, H.R. 1204, would reform the concessions process within the National Wildlife Refuge System. Under current law, U.S. Fish and Wildlife Service structures such as restrooms, boat docks and other buildings have fallen into disrepair because the service does not have the resources necessary to adequately maintain its facilities.

Over the past three Congresses, over 5 years, I have worked with the Fish and Wildlife Service, wildlife refuge managers, and outside groups to write a bill that helps the Fish and Wildlife Service to address this problem. H.R. 1204 is historic legislation that establishes a consistent facility maintenance policy for facilities that are leased by concessionaires in National Wildlife Refuge System areas. This bill would allow the Fish and Wildlife Service to credit a concessionaire for any fees they pay in the future. This money would be retained at the local refuge and used to build, maintain and repair structural problems, to restore habitat, and to protect refuge resources. Furthermore, in an effort to address the concerns of groups such as guides and outfitters that use wildlife refuges but do not maintain significant structures, I have added provisions to the bill that exempt these groups from the new policy.

During the 107th Congress, this legislation passed the House by voice vote. There is no reason why it should not pass the House again in the same way. I want to thank the gentleman from California (Mr. POMBO), chairman of the full committee, and the gentleman from Maryland (Mr. GILCHREST), chairman of the subcommittee, for again moving this bill forward. I also want to personally thank Lou Hinds, who, while he was wildlife refuge manager of the Ding Darling National Wildlife Refuge on Sanibel Island, I visited with him and his kind encouraging me, helping me understand the problems, led to the drafting of this bill. Without his advice, we would not be at this historic point where we may finally have a concessions policy for the Fish and Wildlife Service.

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

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

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

Mr. PALLONE. Mr. Speaker, as stated by the previous speaker, the overall purpose of this valuable legislation is to improve visitor services within our National Wildlife Refuge System. Annual public visitation to the refuge system is expected soon to surpass 40 million people. It is critical that we address the growing public use of refuge lands by ensuring that our refuges have facilities that are safe, well maintained, and inviting to the visiting public. But we should not forget that our refuge lands are set aside by statute exclusively for the benefit of fish and wildlife.

I want to compliment the bill's sponsor, the gentleman from Indiana (Mr. SOUDER), and the gentleman from Maryland (Mr. GILCHREST), chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, for their respectful consultation throughout the process. I commend them for a final product that strikes an appropriate balance between public use and resource protection.

The bill before the House will finally provide a comprehensive concession policy for our national wildlife refuges

that will not detract from the ''wildlife first'' mission of the system and which will provide new standards and incentives for concessionaires to enhance the visitor's experience.

I would also note that while the legislation grants an exemption from these contract requirements to all permitted outfitters and guides operating on refuge lands and waters, these operators will still be required to secure a Federal permit to access refuge lands. I am hopeful that the Fish and Wildlife Service will be able to clarify through its rulemaking process precisely what types of operations and what kinds of structures will be permissible for guides and outfitters to qualify for the exemption.

Mr. Speaker, I include for the RECORD a November 17, 2003 letter from Mr. Steve Williams, director of the Fish and Wildlife Service. The letter addresses the director's concerns regarding some details of the exemption for permitted guides and outfitters included in this legislation.

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

Hon. RICHARD POMBO,
U.S. House of Representatives,
Washington, DC.

DEAR CHAIRMAN POMBO: The U.S. Fish and Wildlife Service (Service) would like to provide comments on H.R. 1204, which would establish a National Wildlife Refuge System concessions policy. Although the Service supports this legislation as reported by the Committee on September 24, 2003, and testified to that effect at a June 26, 2003, hearing before the Resources Subcommittee on Fisheries Conservation, Oceans and Wildlife, we have serious concerns with the amended legislation that will be brought to the House floor.

Generally, H.R. 1204 would amend the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) to authorize the Secretary of Interior to provide for maintenance and repair of buildings and properties located on lands in the Refuge System. We support the goals of this legislation; however, we have strong concerns about the overly broad exemption given to outfitters and guides in the amended version of H.R. 1204 that will be brought to the floor. The new language under Section 5(b)(2)(E) could jeopardize the Service's goal of a consistent policy for management of recreational activities on National Wildlife Refuges.

The Service supports the goals of H.R. 1204 and looks forward to working with Congress to develop a workable concessions policy for the National Wildlife Refuge System. As the NWRS celebrates its Centennial anniversary this year, the Fish and Wildlife Service is working hard to ensure that visitors find National Wildlife Refugees welcoming, safe, and accessible, with a variety of opportunities to enjoy and appreciate America's fish, wildlife, and plants. Providing quality wildlife-dependent recreational opportunities is part of the Fish and Wildlife Service's vision for the NWRS, and concession operations can provide the visiting public with a means to access and interpret our refuges.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

STEVE WILLIAMS,
Director.

In closing, Mr. Speaker, this is good legislation. I urge its adoption on a bipartisan basis by the House.

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

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

I share the gentleman from New Jersey's concerns about the permitting process with guides and outfitters. I think we have reached a compromise that will enable this bill to move forward, but I do trust that the Fish and Wildlife Service will do further clarification and work with this process.

Mr. POMBO. Mr. Speaker, this legislation establishes for the first time a comprehensive concession policy for our National Wildlife Refuge System.

Unlike our National Park System, There is no standardized refuge concession contract, concessionaires are statutorily prohibited from repairing the federal facilities they lease and consequently there are only a handful of refuges that offer concession services to the visiting public. In fact, there are only seven refuges where concessionaires have a signed contract with the U.S. Fish and Wildlife Service. These concessionaires offer a variety of services including canoe rentals, interpretive tours and tour boat operators.

H.R. 1204 is a long overdue and important measure. It will authorize the establishment of a standardized refuge contract for all commercial concessionaires, it will allow a concessionaire to use some of their franchise fees to maintain or repair leased property and it allows the service to keep these franchise fees onsite to be spent on a specific list of items designed to improve the quality of the visitors experience. The legislation exempts bookstores operated by refuge friends groups from the contract requirements.

In addition, the bill is not intended to include activities by guides and outfitters. These operators traditionally bring their clients onto refuge units to engage in activities such as fishing and hunting and depart when the activity is completed. Guides and outfitters do not occupy, operate or maintain within the units significant facilities or structures such as marinas, boathouses, dwellings or visitor centers. Operators authorized to operate and use such facilities and structures are covered by this measure. It is important to note that we do not consider minor ''structures'' such as duck blinds, tent platforms, game racks, food caches, and hitching rails to be structures or facilities for the purpose of this act.

The fundamental goal of this legislation is to improve the quality of the experience for the 38 million people who visit a refuge each year. H.R. 1204 will accomplish this goal and it will hopefully serve as a incentive for other concessionaires to offer services to refuges throughout this country.

I compliment the gentleman from Indiana, Congressman MARK SOUDER, for introducing this legislation and for his tireless leadership in promoting this innovative idea.

I urge an ''aye'' vote on H.R. 1204.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 1204, 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.

ESTABLISHING NATIONAL AVIATION HERITAGE AREA

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 280) to establish the National Aviation Heritage Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 280

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

TITLE I—NATIONAL AVIATION HERITAGE AREA

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Aviation Heritage Area Act''.

SEC. 102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Few technological advances have transformed the world or our Nation's economy, society, culture, and national character as the development of powered flight.

(2) The industrial, cultural, and natural heritage legacies of the aviation and aerospace industry in the State of Ohio are nationally significant.

(3) Dayton, Ohio, and other defined areas where the development of the airplane and aerospace technology established our Nation's leadership in both civil and military aeronautics and astronautics set the foundation for the 20th Century to be an American Century.

(4) Wright-Patterson Air Force Base in Dayton, Ohio, is the birthplace, the home, and an integral part of the future of aerospace.

(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase collaboration, promote heritage tourism, and build on

the established partnerships among Ohio's historic aviation resources and related sites.

(10) A critical level of collaboration among the historic aviation resources in Southwest Ohio cannot be achieved without a congressionally established national heritage area and the support of the National Park Service and other Federal agencies which own significant historic aviation-related sites in Ohio.

(11) The Aviation Heritage Foundation, Incorporated, would be an appropriate management entity to oversee the development of the National Aviation Heritage Area.

(12) Five National Park Service and Dayton Aviation Heritage Commission studies and planning documents: ''Study of Alternatives: Dayton's Aviation Heritage'', ''Dayton Aviation Heritage National Historical Park Suitability/Feasibility Study'', ''Dayton Aviation Heritage General Management Plan'', ''Dayton Historic Resources Preservation and Development Plan'', and Heritage Area Concept Study, demonstrated that sufficient historical resources exist to establish the National Aviation Heritage Area.

(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally significant in the history of aviation is an important goal for the future education of Americans.

(14) Local governments, the State of Ohio, and private sector interests have embraced the heritage area concept and desire to enter into a partnership with the Federal government to preserve, protect, and develop the Heritage Area for public benefit.

(15) The National Aviation Heritage Area would complement and enhance the aviation-related resources within the National Park Service, especially the Dayton Aviation Heritage National Historical Park, Ohio.

(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

(1) encourage and facilitate collaboration among the facilities, sites, organizations, governmental entities, and educational institutions within the Heritage Area to promote heritage tourism and to develop educational and cultural programs for the public;

(2) preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, structures, facilities, and sites within the National Aviation Heritage Area;

(3) encourage within the National Aviation Heritage Area a broad range of economic opportunities enhancing the quality of life for present and future generations;

(4) provide a management framework to assist the State of Ohio, its political subdivisions, other areas, and private organizations, or combinations thereof, in preparing and implementing an integrated Management Plan to conserve their aviation heritage and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the Heritage Area; and

(5) authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and private organizations, or combinations thereof, in preparing and implementing the private Management Plan.

SEC. 103. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Foundation.

(2) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means funds appropriated by Congress and made available to the management entity for the purpose of preparing and implementing the Management Plan.

(3) HERITAGE AREA.—The term ''Heritage Area'' means the National Aviation Heritage Area established by section 104 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area developed under section 106.

(5) MANAGEMENT ENTITY.—The term ''management entity'' means the Aviation Heritage Foundation, Incorporated (a nonprofit corporation established under the laws of the State of Ohio).

(6) PARTNER.—The term ''partner'' means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

SEC. 104. NATIONAL AVIATION HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the States of Ohio and Indiana, the National Aviation Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall include the following:

(1) A core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, Champaign, Shelby, and Auglaize Counties in Ohio.

(2) The Neil Armstrong Air & Space Museum, Wapakoneta, Ohio.

(3) Sites, buildings, and districts within the core area recommended by the Management Plan.

(c) MAP.—A map of the Heritage Area shall be included in the Management Plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Aviation Heritage Foundation.

SEC. 105. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—For purposes of implementing the Management Plan, the management entity may use Federal funds made available through this title to—

(1) make grants to, and enter into cooperative agreements with, the State of Ohio and political subdivisions of that State, private organizations, or any person;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The management entity shall—

(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section 106;

(2) give priority to implementing actions set forth in the Management Plan, including taking steps to assist units of government and nonprofit organizations in preserving resources within the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area in developing and implementing the Management Plan;

(4) maintain a collaboration among the partners to promote heritage tourism and to assist partners to develop educational and cultural programs for the public;

(5) encourage economic viability in the Heritage Area consistent with the goals of the Management Plan;

(6) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(7) conduct public meetings at least quarterly regarding the implementation of the Management Plan;

(8) submit substantial amendments to the Management Plan to the Secretary for the approval of the Secretary; and

(9) for any year in which Federal funds have been received under this title—

(A) submit an annual report to the Secretary that sets forth the accomplishments of the management entity and its expenses and income;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

SEC. 106. MANAGEMENT PLAN.

(a) PREPARATION OF PLAN.—Not later than 3 years after the date of the enactment of this title, the management entity shall submit to the Secretary for approval a proposed Management Plan that shall take into consideration State and local plans and involve residents, public agencies, and private organizations in the Heritage Area.

(b) CONTENTS.—The Management Plan shall incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area and shall include the following:

(1) An inventory of the resources contained in the core area of the Heritage Area, including the Dayton Aviation Heritage Historical Park, the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), and any other property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, or maintained because of its significance.

(2) An assessment of cultural landscapes within the Heritage Area.

(3) Provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with the purposes of this title.

(4) An interpretation plan for the Heritage Area.

(5) A program for implementation of the Management Plan by the management entity, including the following:

(A) Facilitating ongoing collaboration among the partners to promote heritage tourism and to develop educational and cultural programs for the public.

(B) Assisting partners planning for restoration and construction.

(C) Specific commitments of the partners for the first 5 years of operation.

(6) The identification of sources of funding for implementing the plan.

(7) A description and evaluation of the management entity, including its membership and organizational structure.

(c) DISQUALIFICATION FROM FUNDING.—If a proposed Management Plan is not submitted to the Secretary within 3 years of the date of the enactment of this title, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed Management Plan.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary, in consultation with the State of Ohio, shall approve or disapprove the proposed Management Plan submitted under this title not later than 90 days after receiving such proposed Management Plan.

(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed Management Plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed Management Plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the Management Plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

SEC. 107. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the management entity, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title;

(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(4) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 108. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF NASA.

The decisions concerning the execution of this title as it applies to properties under the control of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall be made by such Secretary or such Administrator, in consultation with the Secretary of the Interior.

SEC. 109. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 110. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

(b) FIFTY PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

SEC. 112. SUNSET PROVISION.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date that funds are first made available for this title.

TITLE II—WRIGHT COMPANY FACTORY STUDY

SEC. 201. STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a special resource study updating the study required under section 104 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419) and detailing alternatives for incorporating the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park.

(2) CONTENTS.—The study shall include an analysis of alternatives for including the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park that detail management and development options and costs.

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with the Delphi Corporation, the Aviation Heritage Foundation, State and local agencies, and other interested parties in the area.

(b) REPORT.—Not later than 3 years after funds are first made available for this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study conducted under this section.

TITLE III—STEEL INDUSTRY NATIONAL HISTORIC SITE

SEC. 301. SHORT TITLE.

This title may be cited as the ''Steel Industry National Historic Site Act''.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Certain sites and structures in the Commonwealth of Pennsylvania symbolize in physical form the heritage of the steel industry of the United States.

(2) Certain buildings and other structures in the Commonwealth of Pennsylvania are nationally significant historical resources, including the United States Steel Homestead Works, the Carrie Furnace complex, and the Hot Metal Bridge.

(3) Despite substantial efforts for cultural preservation and historical interpretation by the Commonwealth of Pennsylvania and by individuals and public and private entities in the Commonwealth, these buildings and other structures may be lost without the assistance of the Federal Government.

(b) PURPOSES.—The purposes of this title are to ensure the preservation, interpretation, visitor enjoyment, and maintenance of the nationally significant historical and cultural sites and structures described in subsection (a) for the benefit and inspiration of present and future generations.

SEC. 303. STEEL INDUSTRY NATIONAL HISTORIC SITE, PENNSYLVANIA.

(a) ESTABLISHMENT.—The Steel Industry National Historic Site is hereby established as a unit of the National Park System in the Commonwealth of Pennsylvania.

(b) DESCRIPTION.—

(1) INCLUSION OF CERTAIN PROPERTY.—Subject to paragraph (2), the historic site shall consist of the following properties, each of which relate to the former United States Steel Homestead Works, as depicted on the map entitled ''Steel Industry National Historic Site'', dated November 2003, and numbered 80,000:

(A) The historic location of the Battle of Homestead site in the borough of Munhall, Pennsylvania, consisting of approximately 3 acres of land, including the pumphouse and water tower and related structures, within the property bounded by the Monongahela River, the CSX railroad, Waterfront Drive, and the Damascus-Marcegaglia Steel Mill.

(B) The historic location of the Carrie Furnace complex in the boroughs of Swissvale and Rankin, Pennsylvania, consisting of approximately 35 acres of land, including blast furnaces 6 and 7, the ore yard, the cast house, the blowing engine house, the AC power house, and related structures, within the property bounded by the proposed southwesterly right-of-way line needed to accommodate the Mon/Fayette Expressway and the relocated CSX railroad right-of-way, the Monongahela River, and a property line drawn northeast to southwest approximately 100 yards east of the AC power house.

(C) The historic location of the Hot Metal Bridge, consisting of the Union railroad

bridge and its approaches, spanning the Monongahela River and connecting the mill sites in the boroughs of Rankin and Munhall, Pennsylvania.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for public inspection in an appropriate office of the National Park Service.

(c) ACQUISITION OF PROPERTY.— To further the purposes of this section, the Secretary of the Interior may acquire, only by donation, property for inclusion in the historic site as follows:

(1) Any land or interest in land with respect to the property identified in subsection (b)(1).

(2) Up to 10 acres of land adjacent to or in the general proximity of the property identified in such subsection, for the development of visitor, administrative, museum, curatorial, and maintenance facilities.

(3) Personal property associated with, and appropriate for, the interpretation of the historic site.

(d) PRIVATE PROPERTY PROTECTIONS.—Nothing in this title shall be construed—

(1) to require any private property owner to permit public access (including Federal, State, or local government access) to the private property; or

(2) to modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(e) ADMINISTRATION.—The Secretary of the Interior shall administer the historic site in accordance with this title and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(f) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Until such time as the Secretary of the Interior has acquired the property identified in subsection (b)(1), as depicted on the map referred to in such subsection, the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution to further the purposes of the historic site.

(2) CONTRARY PURPOSES.—Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purpose of the historic site, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such a project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(g) TECHNICAL ASSISTANCE.—The Secretary of the Interior may provide technical assistance to any person for—

(1) the preservation of historic structures within the historic site; and

(2) the maintenance of the natural and cultural landscape of the historic site.

(h) GENERAL MANAGEMENT PLAN.—

(1) PREPARATION.—Not later than three years after the date on which funds are first made available to carry out this title, the Secretary of the Interior shall prepare a general management plan for the historic site that will incorporate or otherwise address substantive comments made during the consultation required by paragraph (2).

(2) CONSULTATION.—The Secretary shall prepare the general management plan in consultation with—

(A) an appropriate official of each appropriate political subdivision of the Commonwealth of Pennsylvania that has jurisdiction over all or a portion of the lands included in the historic site;

(B) an appropriate official of the Steel Industry Heritage Corporation; and

(C) private property owners in the vicinity of the historic site.

(3) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the purposes of this title not more than $40,000,000.

TITLE IV—ST. CROIX NATIONAL HERITAGE AREA STUDY

SEC. 401. ST. CROIX NATIONAL HERITAGE AREA STUDY.

(a) SHORT TITLE.—This section may be cited as the ''St. Croix National Heritage Area Study Act''.

(b) STUDY.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(3) provides outstanding recreational and educational opportunities;

(4) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(5) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(6) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(7) has a conceptual boundary map that is supported by the public.

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

(d) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations as the Secretary deems appropriate.

TITLE V—ARABIA MOUNTAIN NATIONAL HERITAGE AREA

SEC. 501. SHORT TITLE.

This title may be cited as the ''Arabia Mountain National Heritage Area Act''.

SEC. 502. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 503. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) HERITAGE AREA.—The term ''heritage area'' means the Arabia Mountain National Heritage Area established by section 504.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the heritage area developed under section 506.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Georgia.

SEC. 504. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(b) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled ''Arabia Mountain National Heritage Area'', numbered AMNHA/80,000, and dated October, 2003.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) MANAGEMENT ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the management entity for the heritage area.

SEC. 505. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The management entity shall develop and submit to the Secretary the management plan.

(B) CONSIDERATIONS.—In developing and implementing the management plan, the management entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) PRIORITIES.—The management entity shall give priority to implementing actions described in the management plan, including assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(3) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) ANNUAL REPORT.—For any year in which Federal funds have been made available under this title, the management entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the management entity.

(B) The expenses and income of the management entity.

(5) AUDIT.—The management entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 506. MANAGEMENT PLAN.

(a) IN GENERAL.—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled ''Arabia Mountain National Heritage Area Feasibility Study'', dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this title.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the management entity, including the membership and organizational structure of the management entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any revisions to the management plan that the management entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any revision proposed by the management entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 507. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 508. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this title—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 504(b) but for the establishment of the heritage area by section 504; or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 504(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 504.

(b) LAND USE REGULATION.—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the management entity.

SEC. 509. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 510. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this

title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $10,000,000, to remain available until expended, of which not more than $1,000,000 may be used in any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this title shall not exceed 50 percent.

SEC. 512. TERMINATION OF AUTHORITY.

The authority of the Secretary to make any grant or provide any assistance under this title shall terminate on September 30, 2016.

TITLE VI—UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA

SEC. 601. SHORT TITLE.

This title may be cited as the ''Upper Housatonic Valley National Heritage Area Act''.

SEC. 602. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places including—

(A) five National Historic Landmarks—

(i) Edith Wharton's home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

(i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

(iii) Bingham Bog, Salisbury, Connecticut; and

(iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled ''Upper Housatonic Valley National Heritage Area Feasibility Study, 2003''.

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 603. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Upper Housatonic Valley National Heritage Area, established in section 604.

(2) MANAGEMENT ENTITY.—The term ''Management Entity'' means the management entity for the Heritage Area designated by section 604(d).

(3) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area specified in section 606.

(4) MAP.—The term ''map'' means the map entitled ''Boundary Map Upper Housatonic Valley National Heritage Area'', numbered P17/80,000, and dated February 2003.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 604. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

SEC. 605. AUTHORITIES, PROHIBITIONS AND DUTIES OF THE MANAGEMENT ENTITY.

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 606;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this title, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this title, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this title to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 606. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this title.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this title until such time as the management plan is submitted to the Secretary.

SEC. 607. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this title to implement any amendments until the Secretary has approved the amendments.

SEC. 608. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and,

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 609. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 610. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this title.

(b) MATCHING FUNDS.—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

SEC. 612. SUNSET.

The authority of the Secretary to provide assistance under this title shall terminate on the day occurring 15 years after funds are first made available for this title.

TITLE VII—OIL REGION NATIONAL HERITAGE AREA

SEC. 701. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Oil Region National Heritage Area Act''.

(b) DEFINITIONS.—For the purposes of this title, the following definitions shall apply:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Oil Region National Heritage Area established in section 703(a).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the Oil Heritage Region, Inc., or its successor entity.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 702. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Oil Region of Northwestern Pennsylvania, with numerous sites and districts listed on the National Register of Historic Places, and designated by the Governor of Pennsylvania as one of the State Heritage Park Areas, is a region with tremendous

physical and natural resources and possesses a story of State, national, and international significance.

(2) The single event of Colonel Edwin Drake's drilling of the world's first successful oil well in 1859 has affected the industrial, natural, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102–271, traverses the Oil Region and connects several of its major sites, as do some of the river's tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The unspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape to this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania, local subdivisions of the Commonwealth of Pennsylvania, volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

(b) PURPOSE.—The purpose of this title is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner consistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

SEC. 703. OIL REGION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Oil Region National Heritage Area.

(b) BOUNDARIES.—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled ''Oil Region National Heritage Area'', numbered OIRE/20,000 and dated October, 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary of the Interior shall publish in the Federal Register, as soon as practical after the date of the enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Oil Heritage Region, Inc., the locally based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 705(b).

SEC. 704. COMPACT.

To carry out the purposes of this title, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

SEC. 705. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may use funds made available under this title for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

(1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;

(2) hiring and compensating staff; and

(3) undertaking initiatives that advance the purposes of the Heritage Area.

(b) MANAGEMENT PLAN.—The management entity shall develop a management plan for the Heritage Area that—

(1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;

(3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;

(4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(6) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;

(7) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and

(8) includes an interpretation plan for the Heritage Area.

(c) DEADLINE; TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this title.

(2) TERMINATION OF FUNDING.—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this title.

(d) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this title;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;

(4) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area; and

(5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

SEC. 706. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—

(A) OVERALL ASSISTANCE.—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this title, including updating and implementing a management plan that is submitted under section 705(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.

(B) OTHER ASSISTANCE.—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this title (including updating and implementing a management plan that is submitted under section 705(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives), upon the request of the management entity the Secretary shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).

(2) PRIORITY.—In assisting the management entity, the Secretary shall give priority to actions that assist in the—

(A) implementation of the management plan;

(B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;

(C) development and application of techniques promoting the preservation of cultural and historic properties;

(D) preservation, restoration, and reuse of publicly and privately owned historic buildings;

(E) design and fabrication of a wide range of interpretive materials based on the management plan, including guide brochures, visitor displays, audio-visual and interactive

exhibits, and educational curriculum materials for public education; and

(F) implementation of initiatives prior to approval of the management plan.

(3) DOCUMENTATION OF STRUCTURES.—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this title not later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria:

(1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.

(2) The level of public participation in the development of the management plan.

(3) The extent to which the board of directors of the management entity is representative of the local government and a wide range of interested organizations and citizens.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) APPROVING CHANGES.—The Secretary shall review and approve amendments to the management plan under section 705(b) that make substantial changes. Funds appropriated under this title may not be expended to implement such changes until the Secretary approves the amendments.

(e) EFFECT OF INACTION.—If the Secretary does not approve or disapprove a management plan, revision, or change within 90 days after it is submitted to the Secretary, then such management plan, revision, or change shall be deemed to have been approved by the Secretary.

SEC. 707. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

SEC. 708. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after the expiration of the 15-year period beginning on the date that funds are first made available for this title.

SEC. 709. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 710. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 711. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this title shall preclude the management entity from using Federal funds available under Acts other than this title for the purposes for which those funds were authorized.

SEC. 712. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) not more than $1,000,000 for any fiscal year; and

(2) not more than a total of $10,000,000.

(b) 50 PERCENT MATCH.—Financial assistance provided under this title may not be used to pay more than 50 percent of the total cost of any activity carried out with that assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

H.R. 280, as amended by the Committee on Resources, contains seven titles, a sort of national heritage area omnibus bill.

Title I of the bill would establish the National Aviation Heritage Area across eight counties in Ohio consisting of historically significant sites, buildings and districts associated with the development of the aviation and aerospace industry in America.

Title II would authorize a special resource study that would update the study required under section 104 of the Dayton Aviation Heritage Preservation Act of 1992 and detail alternatives for incorporating the Wright Company factory as a unit of the Dayton Aviation Heritage National Historical Park.

Title III would establish the Steel Industry National Historic Park in southwestern Pennsylvania encompassing the United States Steel Homestead Works, site of the 1862 bloody Homestead Steel strike, the Carrie Furnace complex from the Homestead Works, and the famous Hot Metal Bridge.

Title IV would authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the St. Croix National Heritage Area in St. Croix, U.S. Virgin Islands.

The fifth title would establish the Arabia Mountain National Heritage Area in the State of Georgia, highlighting the archaeological settlement of the Lithonia region and the unique granite outcroppings that characterize the region's topography.

Title VI would establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, preserving its national contributions in literature, art, music, architecture, iron and paper, and its electrical equipment industries.

Finally, title VII of the bill would establish the Oil Region National Heritage Area in northwestern Pennsylvania, home of the first oil drilling site in North America.

Mr. Speaker, H.R. 280, as amended, is supported by the majority and the minority of the committee. I urge my colleagues to support this bill.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to offer my commendation to the gentleman from Ohio for his sponsorship of this legislation, which passed the committee on a bipartisan basis.

Mr. Speaker, H.R. 280 as brought to the House today is a bipartisan package of legislation dealing with several heritage areas and historic sites. All of

the components of the amended H.R. 280 have been considered and approved by the Committee on Resources as stand-alone legislation, but have been combined into one bill to simplify its consideration.

The various provisions of the amended H.R. 280 dealing with private property represent a compromise between the majority and the minority. As with most good compromises, there are elements that we do not wholly agree with, but which overall are acceptable as a means to advance the legislation that is now before us.

Mr. Speaker, H.R. 280, as amended, represents the efforts of many Members and organizations to advance the preservation and interpretation of certain historic resources. I congratulate the sponsors for their work and support the adoption of H.R. 280, as amended, by the House this evening.

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

Mr. SOUDER. Mr. Speaker, I yield 3 minutes to my friend and near neighbor, the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, I want to thank the chairman, the ranking member, and those gentlemen carrying the bill on the floor today for their great work on this piece of legislation. This is, as they said, a combination of a number of pieces of legislation that they have worked very hard to bring together. This is not an easy task to do. The staff did a great job of working this out with everybody involved to where we have a piece of legislation today that I think on a bipartisan fashion works for everybody. That is when I think this legislature is at its best, when we come together and work together to get bills such as this done.

I certainly am strong for the part of the bill that relates to the National Aviation Heritage Area, but I also am supportive of all the rest of the bill. I thank all the Members and would urge the passage of the bill.

Mr. Speaker, I rise today in strong support of H.R. 280, the National Aviation Heritage Area Act of 2003. I would first like to thank Chairman POMBO, and the Members of the Resources Committee, as well as the Chairman of the National Parks, Recreation and Public Lands Subcommittee, GEORGE RADANOVICH, for their leadership and cooperation in advancing this bill.

I have introduced this legislation with Representatives MIKE TURNER, JOHN BOEHNER, and virtually all of the Ohio Delegation to create a National Aviation Heritage Area to enhance significant historical resources of interest to all Americans and to further national awareness of Ohio's key role in the history of aviation. I can think of no better way to preserve and carry on the years of hard work and preparation leading up to this year's 100th anniversary of the first powered flight, than to establish this heritage area.

Few technological advances have transformed the world or our Nation's economy, society, culture, and national character as the development of powered flight. Ohioans such as the Wright Brothers, John Glenn, and Neil Armstrong have been at the forefront of every major development associated with flight. But just as important are the inventors, scientists and engineers that have made it possible in less than 100 years to not only fly between continents, but also to fly to the moon and maintain a presence in space.

This legislation is fully in the spirit of President Bush's recent "Preserve America" executive order which declared, "It is the policy of the Federal Government to provide leadership in preserving America's heritage . . . by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties."

The Members of Congress from Ohio have a long record of promoting the preservation of aviation sites in Central Ohio. We have previously worked together to secure funding for the U.S. Air Force Museum, the Dayton Aviation Heritage National Historical Park, and the National Aviation Hall of Fame. We have worked closely with the community to make sure that this year's Centennial of Flight celebration was a huge success.

For these reasons, it is vitally important that we move forward with this legislation and I urge a "yes" vote on the National Aviation Heritage Area Act of 2003.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. OLVER).

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Mr. OLVER. Mr. Speaker, I rise today in support of H.R. 280, which includes as title VI the establishment of the Upper Housatonic Valley National Heritage area in Connecticut and Massachusetts.

Let me start by thanking the gentlewoman from Connecticut (Mrs. JOHNSON) for her hard work on this initiative. It has been a pleasure working with her.

During the 106th Congress, H.R. 4312 authorized the Secretary of the Interior to conduct a feasibility study of the Upper Housatonic as a potential national heritage area. That study documents that the Upper Housatonic Valley meets the Interior Department's criteria for such a designation. The Park Service recognizes the valley as "distinctive for having a landscape that includes a blend of industrial innovations, environmental conservation initiatives, and cultural achievements of national significance."

The Upper Housatonic Valley includes 29 communities in western Massachusetts and northwestern Connecticut. And I would like to highlight a few of the many contributions this region of New England brings to our national heritage.

Herman Melville, Nathaniel Hawthorne, Edith Wharton, Oliver Wendell Holmes, Jr.; Norman Rockwell; Suzy Frelinghuesen are just a few of the prominent artists and writers who have made the Housatonic Valley their home and the subject of their work. Today visitors can see these artists' work on display as local museums before taking in a classical music concert at Tanglewood or visiting the magnificently restored Shaker Village in Hancock. The Upper Housatonic has a rich cultural heritage and thriving artistic community to this day.

The Members may not be familiar with the name Elizabeth "Mumbet" Freeman today, but her role in our national history is rightfully recognized in the newly reopened National Archives "Charters of Freedom" exhibit. A slave from Sheffield, Massachusetts, Mumbet sued in Massachusetts's court for her freedom, leading to the abolition of slavery in Massachusetts in 1793. Many years later the great civil rights leader W.E.B. Dubois made his home in Great Barrington, Massachusetts. His papers are archived and open to the public today at the University of Massachusetts in Amherst.

As I hoped to highlight today, the Upper Housatonic Valley is an area rich in culture, history, and innovation against the backdrop of scenic landscapes. Its designation as a National Heritage Area will help preserve this treasure for years to come. I urge an aye vote in support of this legislation.

Mr. SOUDER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON), committee member and also another appropriator.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Indiana for yielding me this time, and I would like to thank committee and all those involved in bringing forward this heritage region omnibus bill which includes the Oil Heritage Region bill. I come from the Oil Valley where oil was discovered. In fact, I live 5 miles from Drake's Well where the first oil well that produced oil, ever, in the world was dug. Colonel Drake, in the middle of the 19th Century, came to Titusville, and it was sort of Drake's folly. He was going to drill for oil. They could not get the drilling rigs, and so they actually dug a well 68 feet deep. And one would wonder why they chose that valley. Because that creek was already Oil Creek that ran between Oil City and Titusville, Titusville to Oil City, because that stream always had oil on it. The gas pressure, the oil sand being only 68 feet below the surface, oil was always oozing up into springs and small streams and into Oil Creek; so it was always named Oil Creek because there was always a scum of oil on Oil Creek. That valley changed the world. It changed our whole transportation system. And here 150 years later, we still use for vehicle oil, the same kind of oil that was discovered back when Drake's oil was dug. It was the home base of all the major oil companies. Every major oil company in this country has its roots in Titusville and Oil City. Cities Service and Sunoco, all of those started there. In my lifetime, the companies that used to be there, Quaker State, Pennzoil, and Kendall, were the Penn-grade crude refineries that remained because Pennsylvania-grade crude is a paraffin-based crude, not an asphalt-based crude as in other parts of the world.

I want to make sure that everyone realizes that the Oil Heritage Area in no way threatens private property rights. There are those who believe that a heritage area somehow is going to take away personal private property rights. This legislation speaks clearly to that issue, that those with private property will only be involved in the heritage area if they so choose to. In our area, we have a lot of State land, local land, and Federal properties that are a part of the area, and in 1994 the State started the State Oil Heritage Area, and we are now in the process of making that the National Oil Heritage Area. Why do we want to do that? It is about preserving the history of oil. The one item that I say changed the world more than any other discovery, except, maybe today, the computer, as we look at how the computer has changed the world. Oil changed the whole world in how we travel, how we manufacture. The industrial revolution came from it, and it all started by Colonel Drake's digging a well in Titusville, Pennsylvania, Colonel Drake's Well.

Drake Well Park is there. Oil Creek State Park is there. And Oil Creek today is one of the finest fishing streams in Pennsylvania. Trout and bass propagate there naturally. That is a sign of a pretty good stream. And 150 years ago, that whole area was drilled, oil wells were beside each other, and today it is a pristine State park and a beautiful area, and we just want to tell the story of oil which we think should be told and the whole world should be able to hear it.

Mr. FALEOMAVAEGA. Mr. Speaker, again, I urge my colleagues to support this bill. I have no further requests for time, and I yield back the balance of my time.

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

I thank all the sponsors of the bill that went into this historic omnibus. It is very important that we preserve the natural sites but also the tremendous history of our country, the oil, the National Aviation Heritage out of Dayton. Alexander Hamilton's home and business are still there in the Virgin Islands Heritage Area that we are looking at. This is an important bill. I hope it receives unanimous support.

Ms. MAJETTE. Mr. Speaker, I am delighted to be here today to discuss Title five of H.R. 280, to establish The Arabia Mountain National Heritage Area. Title five is the bill I previously introduced as H.R. 1618, which the committee agreed to incorporate into this larger bill.

I thank Chairman POMBO and Ranking Member RAHALL and their staffs for their hard work in bringing this bill to the floor today.

I also thank each of the cosponsors of the Arabia Mountain National Heritage Area Act from Georgia for their hard work in this effort. This has been a truly bipartisan endeavor, with 5 Democrat and 5 Republican cosponsors from Georgia. I'd like to particularly recognize JOHN LINDER for his leadership.

The Arabia Mountain legislation will conserve and protect the natural, cultural, and historical resources of Georgia's granite outcroppings. In addition, this legislation will provide residents and visitors with the opportunity to preserve the wonders that Arabia Mountain has to offer, and we look forward to sharing its history and beauty with all Americans.

The Arabia Mountain Heritage Area is a living history lesson, illustrating the long-standing interaction of human activity with a unique landscape. Incredibly, there has been human settlement in this location for close to 7,000 years. In that time, our relationship with the land has grown and evolved in various ways.

The region encompassed within this Heritage Area is a suburb of Atlanta—one of the fastest growing communities in the world.

Despite its proximity to Atlanta, one portion of the Heritage Area, Panola Mountain, is pristine land untouched by development. And Panola Mountain Conservation Park is a recognized National Landmark. The area features unique granite outcroppings that are more than 400 million years old. And Arabia Mountain itself is topped by endangered mosses and lichens.

Beyond the natural beauty of the area is a rich cultural history that began when Native Americans lived on these lands, and one that continues today. Archaeological evidence indicates that Native Americans quarried these soapstone and granite outcroppings more than 5,000 years ago.

The Heritage Area also includes a nature preserve, the last farm left in what was once the biggest dairy farming area in the state, and remnants of early American developments from the days of European settlement.

By connection the proposed Heritage Area's natural, cultural and historical resources through rivers, greenways and parks, this region will rapidly become a popular recreation area for residents of the fast growing metropolitan Atlanta area, as well as visitors from all over America. This unique cultural and historical haven is a place Georgians want to protect and will continue to enjoy.

I hope my colleagues will join me in recognizing the important combination of natural, cultural and historical resources in the Arabia Mountain Heritage Area. I urge all of my colleagues to support H.R. 280.

Mr. TURNER. Mr. Speaker, I appreciate the opportunity to support H.R. 280, the National Aviation Heritage Area Act.

From the very earliest times, mankind fantasized about flying. Many ancient cultures had their interpretation of this impossible dream, including the Aztecs, the Mayans, and the Native American Indians. In Ancient Greece, there was the story of Icarus, a man who fashioned wings of wax and feathers and thus could fly. During the Renaissance Leonardo da Vinci created highly detailed plans for flying machines.

Although mankind remained flightless for several thousands of years, the dream never weakened. Finally, 100 years ago, next month, brothers, Orville and Wilbur Wright, who owned a bicycle repair shop in Dayton, Ohio built a flying machine they optimistically named the ''Flyer'' and Dayton became the birthplace of modern aviation.

John Glenn and Neil Armstrong are two more fellow Ohioans, in the tradition of Wright Brothers, that awed and inspired us as they changed the world with their historic space flights—Glenn, the first American to orbit the Earth and Armstrong, the first to walk on another celestial body.

H.R. 280 will establish a National Heritage Area within the States of Ohio and Indiana that will preserve our nation's aviation heritage by providing the means necessary to protect historic aviation sites and resources.

The Dayton Aviation Heritage Commission has raised awareness and community support for H.R. 280. This legislation has the strong support of local governments and communities throughout southwest Ohio, who have an unwavering commitments to promoting and preserving the history of aviation and its Ohio roots. This bill provides us with a unique opportunity to expand historic aviation sites and protect an extraordinary piece of the world's history.

The Members of Ohio's Congressional delegation have worked diligently over the years to preserve and promote Dayton's aviation history, and H.R. 280 is another important step. As an original co-sponsor of H.R. 280, I am proud to offer my support of this important legislation. I would also like to thank Chairmen DAVE HOBSON and JOHN BOEHNER for their commitment and hard worked on this issue.

Along with the U.S. Air Force at Wright-Patterson, the Dayton Aviation Heritage National Historical Park, NASA Glen Research Center and the National Aviation Hall of Fame, we have worked to preserve many of aviations historical landmarks.

As a native of Dayton, Ohio I grew up surrounded by the history of aviation. As we celebrate 100 years of powered flight, it is my great privilege to offer my support to this important legislation to preserve America's aviation heritage.

Mr. BOEHNER. Mr. Speaker, I rise today in strong support of H.R. 280, the National Aviation Heritage Area Act.

One hundred years ago, the Wright Brothers made Ohio the ''Birthplace of Aviation.'' It was in their bicycle shop in Dayton that the Wright Brothers researched and designed the first successful, heavier-than-air, manned, powered aircraft. It was there in Dayton, on the Huffman Flying Prairie, where the brothers learned to fly—where they learned to control and maneuver their aircraft.

Today, the tradition of the Wright Brothers lives on in the Miami Valley community. Engineers, scientists, and inventors continue to research, develop, and test the latest advances in air power at the Wright Patterson Air Force laboratories. At the Air Force Institute of Technology, they learn the technical skills to build the aircraft of the future. And at the United States Air Force Museum, three hangars attest to the commitment the community has to preserve the history of the Air Force and its contributions to the advancement of powered flight.

In addition to the public sector efforts, the Miami Valley has been fortunate to have numerous dedicated individuals and private organizations who work to provide an educational and recreational preservation of the area's aviation heritage.

In 2003, the 100th anniversary of Powered Flight, Ohioans have come together in unprecedented ways to celebrate, preserve, and promote the dream of Wilbur and Orville Wright. I can think of no better tribute to their efforts than to establish this heritage area, and I am proud to be an original co-sponsor of this bill.

In the Miami Valley, the legacy of aviation is celebrated for its critical contributions to the

economy, to business and personal travel, and to our military. I join my Miami Valley colleagues, Mr. HOBSON and Mr. TURNER, and other Ohio Members in saluting our constituents' hard work in preserving a nationally important story, a story which captures the dreams and imagination of the young and old alike—the dream and the reality of powered flight.

Mr. DOYLE. Mr. Speaker, I rise today to urge my colleagues to support H.R. 280. This bill would establish a National Historic Site in southwestern Pennsylvania to preserve parts of the former U.S. Steel Homestead Works and educate the public about its importance.

The Homestead Works played an important role in America's economic and industrial history. It was one of the largest and most productive steel mills in the world 100 years ago. Assessing the historical significance of the Homestead Works, New York Times writer William Serrin observed:

> Its products helped the nation move west, shaped its skyline, bridged and dammed its waters, helped make it a world naval power, and helped it enter the Space Age. When the mill began, the nation's population was 51.5 million, the Industrial Revolution was in its infancy, and America was innocent and isolated; when the mill went down, the nation's population was 250 million, the Industrial Revolution—based on steel—had changed America and the rest of the world irrevocably, and America was the world's dominant nation in every imaginable way.

The Homestead Works and other steel mills nearby made the United States the economic and military superpower it is today. As a result, Pittsburgh is known for its steel industry around the world. I want to make sure this nation and the world always remember the sacrifices made by the workers who labored in the mills to give Pittsburgh this distinction.

The history of the Homestead Works is much bigger than that of Pittsburgh or even southwestern Pennsylvania—it reflects national trends in industrial development, scientific innovation and technological advancement, our labor and social history, our country's diverse ethnic heritage, and the work ethic that characterizes this nation.

The story of Homestead, its industrial and labor history, continues to attract worldwide interest. The most well-known incident in Homestead's history is the Battle of Homestead, where in 1982 steel workers repulsed a force of Pinkerton detectives sent in to break their strike. More than a hundred years later, the Battle of Homestead still stands as one of the most compelling stories in the long history of the labor movement in the United States.

The Homestead Works' Carrie Furnaces 6 and 7 are also sites of national historical significance. They are rare examples of early production techniques and turn-of-the-century technological advances. These relics are the only remaining pre-World War II era blast furnaces left in the Pittsburgh area, and they represent some of the most important technological accomplishments of the American steel industry. I believe that our nation has an obligation to preserve these unique historical assets.

For nearly a decade I have been working with the Steel Industry Heritage Corporation to preserve the Battle of Homestead site, Carrie Furnaces 6 and 7, and the history of those who toiled there. The Steel Industry Heritage Corporation has been successful in convincing the property owner, the community, and the National Park Service to support this initiative. The National Park Service recognizes the historical significance of these sites and recently recommended that they be preserved, in a National Historic Site, for future generations.

The legislation before us today would create a new National Historic Site that would include Carrie Furnaces 6 and 7, the Hot Metal Bridge, the Battle of Homestead site, and other historic parts of the Borough of Homestead.

Mr. Speaker, approval of this legislation today will bring us one step closer to the certainty that the remarkable history of the Homestead Works will be remembered for generations to come. I want to thank the Park Service for its work on this initiative, and I want to commend Augie Carlino, President and CEO of the Steel Industry Heritage Corporation, for working with me for many years to move this initiative forward. Finally, I want to thank Chairman POMBO and Ranking Member RAHALL of the Resources Committee for working to bring this bill to the House Floor today.

I urge my colleagues to support this very worthwhile legislation.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 280, 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.

The title of the bill was amended so as to read: ''A bill to establish certain National Heritage Areas, and for other purposes.''.

A motion to reconsider was laid on the table.

SIERRA NATIONAL FOREST LAND EXCHANGE ACT OF 2003

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1651) to provide for the exchange of land within the Sierra National Forest, California, and for other purposes, as amended.

The Clerk read as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sierra National Forest Land Exchange Act of 2003''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the parcels of land and improvements thereon comprising approximately 160 acres and located in township 9 south, range 25 east, section 30, E½SW¼ and W½ SE¼, Mt. Diablo Meridian, California.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means a parcel of land comprising approximately 80 acres and located in township 8 south, range 26 east, section 29, N½NW¼, Mt. Diablo Meridian, California.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) EXCHANGE AUTHORIZED.—

(1) IN GENERAL.—If, during the one-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers the United States the exchange of the non-Federal land and a cash equalization payment of $50,000, the Secretary shall convey, by quit claim deed, all right, title, and interest of the United States in and to the Federal land. The conveyance of the Federal land shall be subject to valid existing rights and under such terms and conditions as the Secretary may prescribe.

(2) ACCEPTABLE TITLE.—Title to the non-Federal land shall conform with the title approval standards of the Attorney General applicable to Federal land acquisitions and shall be acceptable to the Secretary.

(3) CORRECTION AND MODIFICATION OF LEGAL DESCRIPTIONS.—The Secretary, in consultation with the owner of the non-Federal land, may make corrections to the legal descriptions of the Federal land and non-Federal land. The Secretary and the owner of the non-Federal land may make minor modifications to such descriptions insofar as such modifications do not affect the overall value of the exchange by more than five percent.

(b) VALUATION OF LAND TO BE CONVEYED.—For purposes of this section, during the period referred to in subsection (a)(1), the value of the non-Federal land shall be deemed to be $200,000 and the value of the Federal land shall be deemed to be $250,000.

(c) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—Once acquired, the Secretary shall manage the non-Federal land in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.), and in accordance with the other laws and regulations pertaining to National Forest System lands.

(d) CONDITIONS ON CONVEYANCE OF FEDERAL LAND.—The conveyance by the Secretary under subsection (a) shall be subject to the following conditions:

(1) That the recipient of the Federal land convey all 160 acres of the Federal land to the Sequoia Council of the Boy Scouts of America not later than four months after the date on which the recipient receives the Federal land from the Secretary under subsection (a).

(2) That, as described in section 5, the owner of the easement granted in section 4 have the right of first offer regarding any reconveyance of the Federal land by the Sequoia Council of the Boy Scouts of America.

(e) DISPOSITION AND USE OF CASH EQUALIZATION FUNDS.—The Secretary shall deposit the cash equalization payment received under subsection (a) in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The cash equalization payment shall be available to the Secretary until expended, without further appropriation, for the acquisition of lands and interests in lands for the National Forest System in the State of California.

(f) COST COLLECTION FUNDS.—The owner of the non-Federal land shall be responsible for all direct costs associated with processing the land exchange under this section and shall pay the Secretary the necessary funds, which shall be deposited in a cost collection account. Funds so deposited shall be available to the Secretary until expended, without further appropriation, for the cost associated with the land exchange. Any funds remaining after completion of the land exchange, which are not needed to cover expenses, shall be refunded to the owner of the non-Federal land.

SEC. 4. GRANT OF EASEMENT IN CONNECTION WITH HYDROELECTRIC PROJECT NO. 67.

(a) PURPOSE.—A hydroelectric project, licensed pursuant to the Federal Power Act (16

U.S.C. 791a et seq.) as Project No. 67, is located on a majority of the Federal land authorized for exchange under section 3. To protect the ability of the owner of Project No. 67 to continue to operate and maintain that hydroelectric project under the current and all future licenses or authorizations issued pursuant to the Federal Power Act or any other applicable law, this section is necessary.

(b) EASEMENT REQUIRED.—Before conveying the Federal land under section 3, the Secretary shall grant an easement, without consideration, to the owner of Project No. 67 for the right to enter, occupy, and use for hydroelectric power purposes the Federal land currently within the licensed boundary for Project No. 67. The Project No. 67 owner shall hold harmless the Secretary for any claims against the owner due to the grant of easement.

(c) REQUIRED TERMS AND CONDITIONS.—The easement granted under this section shall provide the following: ''The United States of America, hereinafter called 'Grantor,' pursuant to a congressional authorization, hereby grants, transfers, and conveys unto the [insert name of Project No. 67 owner], its successors and assigns, hereinafter called 'Grantee,' all those certain exclusive easements and rights in, on, under, over, along, and across certain real property described in Exhibit A, attached hereto [attach description of real property subject to the easement] and incorporated herein (the 'Property'), for any purpose or activity that Grantee deems convenient or necessary to the creation, generation, transmission, or distribution of hydropower on and off the Property, including, but not limited to, the right to inundate the Property with water, reservoir management, and compliance with legal obligations in accordance with the applicable Federal Energy Regulatory Commission license and those non-exclusive easements and rights to use, occupy, and enter the Property, and to allow others to use, occupy, and enter the Property, for other purposes related to hydropower and reservoir management and use, such as recreation by Grantee or the public, and regulation of any activities on the Property that may impact such purposes, at any time and from time to time. Grantor further grants, transfers, and conveys unto the Grantee the right of assignment, in whole or in part, to others, without limitation. Grantee shall have the right to take such actions on the Property as may be necessary to comply with all applicable laws, rules, regulations, ordinances, orders and other governmental, regulatory, and administrative authorities and requirements, or that may be necessary for the economical entry, occupancy, and use of the Property for hydropower purposes. Grantor, its successors and assigns, shall not deposit or permit or allow to be deposited, earth, rubbish, debris or any other substance or material on the Property, or so near thereto as to constitute, in the opinion of Grantee, an interference or obstruction to the hydropower and reservoir purposes. No other easements, leases, or licenses shall be granted on, under or over the Property by Grantor to any person, firm or corporation without the previous written consent of Grantee, which consent shall not be unreasonably withheld. The terms, covenants and conditions of this Grant of Easement shall bind and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee.''.

SEC. 5. RIGHT OF FIRST OFFER FOR SUBSEQUENT CONVEYANCE OF FEDERAL LAND.

(a) RIGHT OF FIRST OFFER.—As a condition on the conveyance of the Federal land under section 3 and its reconveyance to the Sequoia Council of the Boy Scouts of America, as required by section 3(d)(1), the Secretary shall require that the Council agree to provide the owner of the easement granted under section 4 the right of first offer to obtain the Federal land, or any portion thereof, that the Council ever proposes to sell, transfer, or otherwise convey.

(b) NOTICE AND OFFER.—If the Council proposes to sell, transfer, or otherwise convey the Federal land or a portion thereof, the Council shall give the easement owner written notice specifying the terms and conditions on which the conveyance is proposed and offering to convey to the easement owner, on the same terms and conditions, the Federal land or the portion thereof proposed for conveyance.

(c) ACCEPTANCE OR REJECTION OF OFFER.—Within 90 days after the easement owner receives the notice required by subsection (b) and all available documents necessary to perform reasonable due diligence on the proposed conveyance, the easement owner shall either accept or reject the offer. If the easement owner accepts the offer, the closing of the sale shall be governed by the terms of the offer in the notice.

(d) EFFECT OF REJECTION.—If the hydropower easement owner rejects an offer under subsection (b) or fails to respond to the offer before the expiration of the 90-day period provided in subsection (c), the Council may convey the property covered by the notice to any other person on the same terms and conditions specified in the notice. If those terms and conditions are subsequently altered in any way, then the notice and offer shall again be made to the easement owner under subsection (b). The rejection by the easement owner of one or more of such offers shall not affect its right of first offer as to any other proposed conveyance by the Council.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. 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 in the bill under consideration.

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

There was no objection.

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

H.R. 1651, introduced by the gentleman from California (Mr. RADANOVICH), provides for the exchange of lands within the Sierra National Forest, California, and for other purposes. The bill would exchange 160 acres of Forest Service property, of which only 15 acres is above water, for 80 acres of private land surrounded by National Forest. The landowner has agreed to pay the difference of $50,000 to the Forest Service to finalize the land transfer. After the completion of the exchange, the landowner will then convey the property to the Sequoia Council Boy Scouts, who have run a camp on the land through a special use permit for the last 30 years.

This bill will benefit both the Forest Service and the Sequoia Council Boy Scouts. I urge adoption of the bill.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as I may consume.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentleman from California (Mr. RADANOVICH), who authored this proposed bill.

Mr. Speaker, H.R. 1651 would direct the Secretary of Agriculture to consummate a land exchange on the Sierra National Forest in California. In exchange for the United States Forest Service receiving approximately 80 acres and a payment of $50,000 from a private party, the Secretary of Agriculture would convey to the private party 160 acres, including two lakefront parcels. The private party plans to reconvey the 160 acres to the Sequoia Council of the Boy Scouts of America for use as a summer camp.

Mr. Speaker, we do not object to this legislation. I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 1651, 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.

NORTHERN ARIZONA NATIONAL FOREST LAND EXCHANGE ACT OF 2003

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2907) to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership, as amended.

The Clerk read as follows:

H.R. 2907

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Northern Arizona National Forest Land Exchange Act of 2003''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) certain parcels of private land in the approximately 170 square miles of land commonly known as the ''Yavapai Ranch'' and located in Yavapai County, Arizona, are intermingled with National Forest System land owned by the United States and administered by the Secretary of Agriculture as part of Prescott National Forest;

(2) the private land is owned by the Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., in an intermingled checkerboard pattern, with the United States or Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., owning alternate square mile sections of land or fractions of square mile sections;

(3) a significant portion of the private land within the checkerboard area (including the land located in or near the Pine Creek watershed, Juniper Mesa Wilderness Area, Haystack Peak, and the Luis Maria Baca Float No. 5) is located in environmentally valuable areas that possess attributes for public management, use, and enjoyment, including—

(A) outdoor recreation;

(B) preservation of stands of old growth forest;

(C) largely unfragmented habitat for antelope, deer, elk, mountain lion, wild turkey, and other wildlife species;

(D) scientific research;

(E) rangeland;

(F) cultural and archaeological resources; and

(G) scenic vistas;

(4) the checkerboard ownership pattern of private and public land within Prescott National Forest impedes sound and efficient management of the intermingled National Forest System land;

(5) if the private land in the checkerboard area is subdivided or developed, the intermingled National Forest System land will become highly fragmented and lose much of the value of the land for wildlife habitat and future public access, use, and enjoyment;

(6) acquisition by the United States of certain parcels of land that have been offered by Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., for addition to Prescott National Forest will serve important public objectives, including—

(A) acquiring private land that meets the criteria for inclusion in the National Forest System in exchange for land with lower public, environmental, and ecological values;

(B) consolidating a large area of National Forest System land to preserve—

(i) permanent public access, use, and enjoyment of the land; and

(ii) efficient management of the land;

(C) minimizing cash outlays by the United States to achieve the objectives described in subparagraphs (A) and (B); and

(D) reducing administrative costs to the United States through—

(i) consolidation of Federal land holdings for more efficient land management and planning;

(ii) elimination of approximately 350 miles of boundary between private land and the Federal parcels; and

(iii) reduction of right-of-way, special use, and other permit processing and issuance for roads and other facilities on National Forest System land;

(7) parcels of National Forest System land have been identified for conveyance to Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C., through a land exchange because the parcels—

(A) have significantly lower recreational, wildlife, ecological, and other public purpose values than the land to be acquired by the United States; and

(B) are encumbered by special use permits and rights-of-way for a variety of purposes (including summer youth camps, municipal water treatment facilities, sewage treatment facilities, city parks, and airport-related facilities) that—

(i) limit the usefulness of the parcels for general National Forest System purposes; but

(ii) are logical for pass-through conveyances from Yavapai Ranch Limited Partnership and the Northern Yavapai, L.L.C., to the permit or right-of-way holders; and

(8) it is in the public interest of all water users in the Verde Valley, Arizona, that water conservation easements be established that limit future water use on the Federal land that—

(A) is located near the communities of Camp Verde, Cottonwood, and Clarkdale; and

(B) is to be conveyed by the United States to Yavapai Ranch Limited Partnership or the Northern Yavapai, L.L.C.

(b) PURPOSE.—The purpose of this Act is to authorize, direct, and facilitate the exchange of Federal land and non-Federal land between the United States, Yavapai Ranch Limited Partnership, and the Northern Yavapai, L.L.C.

SEC. 3. DEFINITIONS.

In this Act:

(1) CAMP.—The term ''camp'' means Camp Pearlstein, Friendly Pines, Patterdale Pines, Pine Summit, Sky Y, and YoungLife Lost Canyon camps in the State of Arizona.

(2) FEDERAL LAND.—The term ''Federal land'' means the land described in section 4(a)(2).

(3) MANAGEMENT PLAN.—The term ''Management Plan'' means the land and resource management plan for Prescott National Forest.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 35,000 acres of non-Federal land located within the boundaries of Prescott National Forest, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange Non-Federal Lands'', dated April 2002.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(6) YAVAPAI RANCH.—The term ''Yavapai Ranch'' means—

(A) the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership; and

(B) the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.

SEC. 4. LAND EXCHANGE.

(a) CONVEYANCE OF FEDERAL LAND BY THE UNITED STATES.—

(1) IN GENERAL.—On receipt of an offer from Yavapai Ranch to convey the non-Federal land, the Secretary shall convey to Yavapai Ranch by patent or quitclaim deed, subject to easements, rights-of-way, utility lines, and any other valid encumbrances on the Federal land in existence on the date of enactment of this Act and any other reservations that may be agreed to by the Secretary and Yavapai Ranch, all right, title, and interest of the United States in and to the Federal land described in paragraph (2).

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) shall consist of the following:

(A) Certain land comprising approximately 15,300 acres located in Yavapai County, Arizona, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange Yavapai Ranch Area Federal Lands'', dated April 2002.

(B) Certain land in the Coconino National Forest, Coconino County Arizona—

(i) comprising approximately 1,500 acres located in Coconino National Forest, Coconino County, Arizona, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange Flagstaff Federal Lands-Airport Parcel'', dated April 2002; and

(ii) comprising approximately 28.26 acres in 2 separate parcels, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange Flagstaff Federal Lands—Wetzel School and Mt. Elden Parcels'', dated September 2002.

(C) Certain land referred to as Williams Airport, Williams golf course, Williams Sewer, Buckskinner Park, Williams Railroad, and Well parcels numbers 2, 3, and 4, comprising approximately 950 acres, located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange Williams Federal Lands'', dated April 2002.

(D) Certain land comprising approximately 2,200 acres located in Prescott National Forest, Yavapai County, Arizona, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange Camp Verde Federal Land—General Crook Parcel'', dated April 2002.

(E) Certain land comprising approximately 820 acres located in Prescott National Forest in Yavapai County, Arizona, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange Camp Verde Federal Lands—Cottonwood/Clarkdale Parcel'', dated April 2002.

(F) Certain land comprising approximately 237.5 acres located in Kaibab National Forest, Coconino County, Arizona, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange Younglife/Lost Canyon'', dated April 2002.

(G) Certain land comprising approximately 200 acres located in Prescott National Forest, Yavapai County, Arizona, and including Friendly Pines, Patterdale Pines, Camp Pearlstein, Pine Summit, and Sky Y, as generally depicted on the map entitled ''Yavapai Ranch Land Exchange Prescott Federal Lands—Summer Youth Camp Parcels'', dated April 2002.

(H) Perpetual and nonexclusive easements that—

(i) run with and benefit land owned by or conveyed to Yavapai Ranch across certain land of the United States;

(ii) are for the purposes of—

(I) operating, maintaining, repairing, improving, and replacing electric power lines or water pipelines (including related storage tanks, valves, pumps, and hardware); and

(II) providing rights of reasonable ingress and egress necessary for the activities described in subclause (I);

(iii) are 20 feet in width; and

(iv) are located 10 feet on either side of each line depicted on the map entitled ''Yavapai Ranch Land Exchange YRLP Acquired Easements for Water Lines'', dated April 2002.

(3) CONDITIONS.—

(A) PERMITS.—Permits or other legal occupancies of the Federal land by third parties in existence on the date of transfer of the Federal land to Yavapai Ranch shall be addressed in accordance with—

(i) part 254.15 of title 36, Code of Federal Regulations (or any successor regulation); and

(ii) other applicable laws (including regulations).

(B) ESTABLISHMENT OF CONSERVATION EASEMENTS ON CERTAIN PARCELS.—

(i) IN GENERAL.—To conserve water in the Verde Valley, Arizona, and to minimize the adverse impacts from future development of the parcels described in subparagraphs (D) and (E) of paragraph (2) on current and future users of water and holders of water rights in existence on the date of enactment of this Act and the Verde River and National Forest System land retained by the United States, the United States shall limit in perpetuity the use of water on the parcels by reserving conservation easements that—

(I) prohibit golf course development on the parcels;

(II) require that public parks and greenbelts on the parcels be watered with treated effluent;

(III)(aa) with respect to the parcel described in paragraph (2)(D), limit total post-exchange water use to not more than 700 acre-feet of water per year; and

(bb) with respect to the parcel described in paragraph (2)(E), limit total post-exchange water use to not more than 150 acre-feet of water per year; and

(IV) require that any water used for the parcels not be withdrawn from wells perforated in the Holocene alluvium of the Verde River unless supplied by municipalities or private water companies; however any water supplied by municipalities or private water companies shall count toward the water use limitations set out in the preceding subclauses (III)(aa) and (III)(bb).

(ii) RECORDATION.—The conservation easements described in clause (i) shall be recorded to encumber the title to parcels described in subparagraphs (D) and (E) of paragraph (2) that are conveyed by the Secretary to Yavapai Ranch.

(iii) SUBSEQUENT CONVEYANCE.—

(I) IN GENERAL.—On acquisition of title to the parcels described in subparagraphs (D) and (E) of paragraph (2), Yavapai Ranch may convey all or a portion of the parcels to 1 or more successors-in-interest.

(II) WATER USE APPORTIONMENT.—A conveyance under subclause (I) shall, in accordance with the terms described in clause (i), include a recorded and binding agreement on the amount of water available for use on the parcel or portion of the parcel conveyed, as determined by the Yavapai Ranch.

(iv) ENFORCEMENT.—The Secretary shall enter into one or more assignments with a political subdivision of the State of Arizona authorizing the political subdivision to enforce the terms described in clause (i) in any manner provided by law. Until such time as the Secretary executes the assignments, the Secretary shall hold and enforce the conservation easements.

(v) LIABILITY.—

(I) IN GENERAL.—Any action for a breach of the terms of the conservation easements described in clause (i) shall be against the owner or owners of the parcel or portion of the parcel, at the time of the breach, whose action or failure to act has resulted in the breach.

(II) HOLD HARMLESS.—To the extent that the United States or a successor-in-interest to the United States no longer holds title to the parcels or any portion of the parcels described in subparagraph (D) or (E) of paragraph (2), the United States or such successor-in-interest shall be held harmless from damages or injuries attributable to any breach of the terms of the conservation easements described in clause (i) by a subsequent successor-in-interest.

(b) CONVEYANCE OF NON-FEDERAL LAND BY YAVAPAI RANCH.—

(1) IN GENERAL.—On receipt of title to the Federal land, Yavapai Ranch shall simultaneously convey to the United States, by deed acceptable to Secretary and subject to any encumbrances acceptable to the Secretary, all right, title, and interest of Yavapai Ranch in and to the non-Federal land.

(2) EASEMENTS.—

(A) IN GENERAL.—The conveyance of non-Federal land to the United States under paragraph (1) shall be subject to the reservation of—

(i) perpetual easements and water rights that run with and benefit the land retained by Yavapai Ranch for—

(I) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 wells in existence on the date of enactment of this Act;

(II) related storage tanks, valves, pumps, and hardware; and

(III) pipelines to points of use; and

(ii) easements for reasonable ingress and egress to accomplish the purposes of the easements described in clause (i).

(B) EXISTING WELLS.—

(i) IN GENERAL.—Each easement for an existing well shall be—

(I) 40 acres in area; and

(II) to the maximum extent practicable—

(aa) centered on the existing well; and

(bb) located in the same square mile section of land.

(ii) LIMITATION.—Within a 40-acre easement described in clause (i), the United States and any permitees or licensees of the United States shall be prohibited from undertaking any activity that materially interferes with the use of the wells by Yavapai Ranch, without the written consent of Yavapai Ranch.

(iii) RESERVATION OF WATER FOR THE UNITED STATES.—The United States shall be entitled to ½ the production of each existing or replacement well, not to exceed a total of 3,100,000 gallons of water annually, for watering wildlife and stock and for other National Forest System purposes from the 3 wells.

(C) REASONABLE ACCESS.—Each easement for ingress and egress shall be at least 20 feet in width.

(D) LOCATION.—The locations of the easements and wells shall be the locations generally depicted on a map entitled ''Yavapai Ranch Land Exchange YRLP Reserved Easements for Waterlines and Wells'', dated April 2002.

(c) LAND TRANSFER PROBLEMS.—

(1) FEDERAL LAND.—If a parcel of Federal land (or a portion of the parcel) cannot be conveyed to Yavapai Ranch because of the presence of hazardous materials or if the proposed title to a parcel of Federal land (or a portion of the parcel) is unacceptable to Yavapai Ranch because of the presence of threatened or endangered species, cultural or historic resources, unpatented mining claims, or other third party rights under public land laws—

(A) the parcel of Federal land or portion of the parcel shall be excluded from the exchange; and

(B) the non-Federal land shall be adjusted in accordance with section 5(c).

(2) NON-FEDERAL LAND.—If 1 or more of the parcels of non-Federal land or a portion of such a parcel cannot be conveyed to the United States because of the presence of hazardous materials or if the proposed title to a parcel or a portion of the parcel is unacceptable to the Secretary—

(A) the parcel of non-Federal land or portion of the parcel shall be excluded from the exchange; and

(B) the Federal land shall be adjusted in accordance with section 5(c).

(d) CONVEYANCE OF FEDERAL LAND TO CITIES AND CAMPS.—

(1) IN GENERAL.—Following the acquisition of the Federal land, Yavapai Ranch shall convey to the cities of Flagstaff, Williams, and Camp Verde and the camps the parcels of Federal land or portions of parcels located in or near the cities or camps under any terms agreed to by Yavapai Ranch, the cities, and camps before the date on which the exchange is completed.

(2) DELETION FROM EXCHANGE.—If Yavapai Ranch and the cities or camps referred to in paragraph (1) have not agreed to the terms and conditions of a subsequent conveyance of a parcel or portion of a parcel of Federal land before the completion of the exchange, the Secretary, on notification by Yavapai Ranch, the cities, or camps, shall delete the parcel or any portion of the parcel from the exchange. Any parcel or portion of a parcel to be deleted may be configured by the Secretary to leave the United States with manageable post-exchange land and boundaries.

(3) EASEMENTS.—In accordance with section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the United States shall reserve easements in any land transferred to Yavapai Ranch.

SEC. 5. EXCHANGE VALUATION, APPRAISALS, AND EQUALIZATION.

(a) EQUAL VALUE EXCHANGE.—The values of the non-Federal and Federal land to be exchanged under this Act—

(1) shall be equal, as determined by the Secretary; or

(2) if the values are not equal, shall be equalized in accordance with subsection (c).

(b) APPRAISALS.—

(1) IN GENERAL.—The values of the Federal land and non-Federal land shall be determined by appraisals using the appraisal standards in—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions, fifth edition (December 20, 2000); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) APPROVAL.—In accordance with part 254.9(a)(1) of title 36, Code of Federal Regulations (or any successor regulation), the appraiser shall be—

(A) acceptable to the Secretary and Yavapai Ranch; and

(B) a contractor, the clients of which shall be the Secretary and Yavapai Ranch.

(3) REQUIREMENTS.—During the appraisal process the appraiser shall—

(A) consider the effect on value of the Federal land or non-Federal land because of the existence of encumbrances on each parcel, including—

(i) permitted uses on Federal land that cannot be reasonably terminated before the appraisal; and

(ii) facilities on Federal land that cannot be reasonably removed before the appraisal; and

(B) determine the value of each parcel of Federal land and non-Federal land (including the value of each individual section of the intermingled Federal and non-Federal land of the Yavapai Ranch) as an assembled transaction consistent with the applicable provisions of parts 254.5 and 254.9(b)(1)(v) of title 36, Code of Federal Regulations (or any successor regulation).

(4) DISPUTE RESOLUTION.—A dispute relating to the appraised values of the Federal land or non-Federal land following completion of the appraisal shall be processed in accordance with—

(A) section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)); and

(B) part 254.10 of title 36, Code of Federal Regulations (or any successor regulation).

(5) APPRAISAL PERIOD.—After the final appraised values of the Federal land and non-Federal land have been reviewed and approved by the Secretary or otherwise determined in accordance with the requirements of paragraph (4), the final appraised values—

(A) shall not be reappraised or updated by the Secretary before the completion of the land exchange; and

(B) shall be considered to be the values of the Federal land and non-Federal land on the date of the transfer of title.

(6) AVAILABILITY.—In accordance with the policy of the Forest Service, and to ensure the timely and full disclosure of the appraisals to the public, the appraisals approved by the Secretary shall be made available for public inspection in the Offices of the Supervisors for Prescott, Coconino, and Kaibab National Forests.

(c) EQUALIZATION OF VALUES.—

(1) SURPLUS OF NON-FEDERAL LAND.—

(A) IN GENERAL.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 4, the final appraised value of the non-Federal land exceeds the final appraised value of the

Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until the values are approximately equal.

(B) ADJUSTMENTS.—An adjustment referred to in subparagraph (A) shall be accomplished by beginning at the east boundary of section 30, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and adding to the Federal land in ⅛ section increments (N–S 64th line) and lot lines across the section, while deleting in the same increments portions of sections 19 and 31, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs north to south across the sections.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If, after any adjustments are made to the non-Federal land or Federal land under subsection (c) or (d) of section 4, the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the Federal land and non-Federal land shall be adjusted in accordance with subparagraph (B) until the values are approximately equal.

(B) ADJUSTMENTS.—Adjustments under subparagraph (A) shall be made in the following order:

(i) Beginning at the south boundary of section 31, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 33 and 35, T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, by adding to the non-Federal land to be conveyed to the United States in ⅛ section increments (E–W 64th line) while deleting from the conveyance to Yavapai Ranch Federal land in the same incremental portions of section 32, T. 20 N., R. 5 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 34, and 36, in T. 20 N., R. 6 W., Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east to west across the sections.

(ii) By deleting the following parcels:

(I) The Wetzel School parcel identified on the map described in section 4(a)(2)(B)(ii).

(II) The Williams Sewer parcel identified on the map described in section 4(a)(2)(C).

(III) That part of the Williams Railroad parcel identified on the map described in section 4(a)(2)(C) that lies south of Business I–40.

(IV) A portion of the Cottonwood/Clarkdale Federal Lands identified on the map described in Section 4(a)(2)(E) and further described as the S½S½ of Section 8, Township 15 North, Range 3 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(V) The Buckskinner Park parcel identified on the map described in section 4(a)(2)(C).

(VI) Approximately 316 acres of the Camp Verde Federal Land-General Crook Parcel identified on the map described in Section 4(a)(2)(D) and further described as Lots 1, 5, and 6 and the NE¼NE¼ of Section 26, and the N½N½ of Section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(VII) A portion of the Cottonwood/Clarkdale Federal Lands identified on the map described in section 4(a)(2)(E) and further described as the N½S½ of Section 8, Township 15 North, Range 3 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(VIII) Approximately 314 acres of the Camp Verde Federal Land-General Crook Parcel identified on the map described in section 4(a)(2)(D) and further described as Lots 2, 7, 8 and 9 and the SE¼NE¼ of Section 26, and the S½N½ of Section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(IX) The Mt. Elden parcel identified on the map described in section 4(a)(2)(B)(ii).

(C) MODIFICATIONS.—By mutual agreement by the Secretary and the Yavapai Ranch, the land and acreage in subclauses (I) through (IX) may be modified to conform with a survey approved by the Bureau of Land Management or to leave the United States with manageable post-exchange land and boundaries.

(3) ADDITIONAL EQUALIZATION OF VALUES.—If, after the values are adjusted in accordance with paragraph (1) or (2), the values of the Federal land and non-Federal land are not equal, then the Secretary and Yavapai Ranch may by agreement adjust the acreage of the Federal land and non-Federal land until the values of that land are equal.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—After the values of the non-Federal and Federal land are equalized to the maximum extent practicable under subsection (c), any balance due the Secretary or Yavapai Ranch shall be paid—

(A) through cash equalization payments under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(B) in accordance with standards established by the Secretary and Yavapai Ranch.

(2) LIMITATION.—

(A) ADJUSTMENTS.—If the value of the Federal land exceeds the value of the non-Federal land by more than $50,000, the Secretary and Yavapai Ranch shall, by agreement, delete additional Federal land from the exchange until the values of the Federal land and non-Federal land are equal.

(B) DEPOSIT.—Any amounts received by the United States under this Act—

(i) shall be deposited in a fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act''); and

(ii) shall be available, without further appropriation, for the acquisition of land or interests in land for National Forest System purposes in the State of Arizona.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(b) WITHDRAWAL OF FEDERAL LAND.—The Federal land is withdrawn from all forms of entry and appropriation under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), until the date on which the exchange of Federal land and non-Federal land is completed.

(c) SURVEYS, INVENTORIES, AND CLEARANCES.—Before completing the exchange of Federal land and non-Federal land under this Act, the Secretary shall carry out land surveys and preexchange inventories, clearances, reviews, and approvals relating to hazardous materials, threatened and endangered species, cultural and historic resources, and wetlands and floodplains.

(d) COSTS OF IMPLEMENTING THE EXCHANGE.—

(1) IN GENERAL.—

(A) The United States shall bear the costs or other responsibilities or requirements associated with land surveys, title searches, archeological and cultural surveys and salvage, removal of encumbrances and curing title deficiencies necessary to bring the Federal land into a condition where it is acceptable for exchange purposes.

(B) Yavapai Ranch shall bear the costs or other responsibilities or requirements associated with land surveys, title searches, archeological and cultural surveys and salvage, removal of encumbrances and curing title deficiencies necessary to bring the non-Federal land into a condition where it is acceptable for exchange purposes.

(2) INELIGIBLE REIMBURSEMENTS.—No amount paid by Yavapai Ranch under this subsection shall be eligible for reimbursement under section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

(e) TIMING.—It is the intent of Congress that the exchange of Federal land and non-Federal land directed by this Act be completed not later than 18 months after the date of enactment of this Act.

(f) CONTRACTORS.—

(1) IN GENERAL.—If the Secretary lacks adequate staff or resources to complete the exchange by the date specified in subsection (e), the Yavapai Ranch may contract with independent third-party contractors to carry out any work necessary to complete the exchange by that date, subject to the mutual agreement of the Secretary and the Yavapai Ranch on the contractor or contractors, scope of work, estimated cost of work, and approval of any such work by the Secretary.

(2) REIMBURSEMENT.—In the event that Yavapai Ranch contracts with independent third party contractors to carry out or complete any responsibilities or requirements that would be performed by the Secretary but for the lack of adequate staff or resources, then the Secretary shall reimburse Yavapai Ranch for Yavapai Ranch's costs or expenses for such contractors in accordance with section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

SEC. 7. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) IN GENERAL.—Non-Federal land acquired by the United States under this Act—

(1) shall become part of the Prescott National Forest; and

(2) shall be administered by the Secretary in accordance with—

(A) this Act;

(B) the laws (including regulations) applicable to the National Forest System; and

(C) other authorized uses of the National Forest System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Acquisition of the non-Federal land under this Act shall not require a revision or amendment to the Management Plan.

(2) AMENDMENT OR REVISION.—If the Management Plan is amended or revised after the date of acquisition of non-Federal land under this Act, the Management Plan shall be amended to reflect the acquisition of the non-Federal land.

(c) POST-EXCHANGE MANAGEMENT OF CERTAIN LAND.—

(1) IN GENERAL.—On acquisition by the United States, the non-Federal land acquired by the United States and any National Forest System land outside the Juniper Mesa Wilderness Area but formerly intermingled with the acquired non-Federal land shall be managed in accordance with—

(A) paragraphs (2) through (6); and

(B) the laws (including regulations) generally applicable to National Forest System land.

(2) PROTECTION OF NATURAL RESOURCES.—The non-Federal land shall be managed in a manner that maintains the species, character, and natural values of the land, including—

(A) deer, pronghorn antelope, wild turkey, mountain lion, and other resident wildlife and native plant species;

(B) suitability for livestock grazing; and

(C) aesthetic values.

(3) GRAZING.—Each area located in the Yavapai Ranch grazing allotment as of the date of enactment of this Act shall—

(A) remain in the Yavapai Ranch grazing allotment; and

(B) continue to be subject to grazing in accordance with the laws (including regulations) generally applicable to domestic livestock grazing on National Forest System land.

(4) ROADS.—

(A) IMPROVEMENT AND MAINTENANCE.—The Secretary shall maintain or improve a system of roads and trails on the non-Federal land to provide opportunities for hunting, motorized and nonmotorized recreation, and other uses of the land by the public.

(B) PUBLIC ACCESS ROAD.—

(i) CONSTRUCTION.—The Secretary shall improve or construct a public access road linking Forest Road 7 (Pine Creek Road) to Forest Road 1 (Turkey Canyon Road) through portions of sections 33, 32, 31, and 30, T. 19 N., R. 6 W., Gila and Salt River Base and Meridian.

(ii) EXISTING ROAD.—The existing road linking Pine Creek and Gobbler Knob shall—

(I) until the date on which the new public access road is completed, remain open; and

(II) after the date on which the new public access road is completed, be obliterated.

(C) EASEMENTS.—

(i) IN GENERAL.—On completion of the land exchange under this Act, the Secretary and Yavapai Ranch shall grant each other at no charge reciprocal easements for ingress, egress, and utilities across, over, and through—

(I)(aa) the routes depicted on the map entitled ''Yavapai Ranch Land Exchange Road and Trail Easements—Yavapai Ranch Area'' dated April 2002; and

(bb) any other inholdings retained by the United States or Yavapai Ranch; or

(II) any relocated routes that are agreed to by the Secretary and Yavapai Ranch.

(ii) REQUIREMENTS.—An easement described in clause (i)—

(I) shall be unlimited, perpetual, and nonexclusive in nature; and

(II) shall run with and benefit the land of the grantee.

(iii) RIGHTS OF GRANTEE.—The rights of the grantee shall extend to—

(I) any successors-in-interest, assigns, and transferees of Yavapai Ranch; and

(II) in the case of the Secretary, members of the general public, as determined to be appropriate by the Secretary.

(5) TIMBER HARVESTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), timber harvesting for commodity production shall be prohibited on the non-Federal land.

(B) EXCEPTIONS.—Timber harvesting may be conducted on the non-Federal land if the Secretary determines that timber harvesting is necessary—

(i) to prevent or control fires, insects, and disease through forest thinning or other forest management techniques;

(ii) to protect or enhance grassland habitat, watershed values, native plants, trees, and wildlife species; or

(iii) to improve forest health.

(6) WATER IMPROVEMENTS.—Nothing in this Act prohibits the Secretary from authorizing or constructing new water improvements in accordance with the laws (including regulations) applicable to water improvements on National Forest System land for—

(A) the benefit of domestic livestock or wildlife management;

(B) the improvement of forest health or forest restoration; or

(C) other National Forest purposes.

(d) MAPS.—

(1) IN GENERAL.—The Secretary and Yavapai Ranch may correct any minor errors in the maps of, legal descriptions of, or encumbrances on the Federal land or non-Federal land.

(2) DISCREPANCY.—In the event of any discrepancy between a map and legal description, the map shall prevail unless the Secretary and Yavapai Ranch agree otherwise.

(3) AVAILABILITY.—All maps referred to in this Act shall be on file and available for inspection in the Office of the Supervisor, Prescott National Forest, Prescott, Arizona.

(e) EFFECT.—Nothing in this Act precludes, prohibits, or otherwise restricts Yavapai Ranch from subsequently granting, conveying, or otherwise transferring title to the Federal land after its acquisition of the Federal land.

SEC. 8. CONVEYANCE OF ADDITIONAL LAND.

(a) IN GENERAL.—The Secretary shall convey to an individual or entity that represents the majority of landowners with encroachments on the lot by quitclaim deed the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is lot 8 in section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(c) AMOUNT OF CONSIDERATION.—In exchange for the land described in subsection (b), the individual or entity acquiring the land shall pay to the Secretary consideration in the amount of—

(1) $2500; plus

(2) any costs of re-monumenting the boundary of land.

(d) TIMING.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a power of attorney executed by the individual or entity acquiring the land, the Secretary shall convey to the individual or entity the land described in subsection (b).

(2) LIMITATION.—If, by the date that is 270 days after the date of enactment of this Act, the Secretary does not receive the power of attorney described in paragraph (1)—

(A) the authority provided under this subsection shall terminate; and

(B) any conveyance of the land shall be made under Public Law 97–465 (16 U.S.C. 521c et seq.).

SEC. 9. COMPENSATION FOR PERSONS HOLDING GRAZING PERMITS.

Persons holding grazing permits for land transferred into private ownership under this Act shall be compensated in accordance with section 402(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(g)).

SEC. 10. CONVEYANCE OF LEASED LAND.

(a) IN GENERAL.—The Secretary shall convey to an individual or entity that represents the majority of landowners with a lease on the lot by quitclaim deed the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is approximately 4.87 acres located in section 27, T. 22 N., R. 2 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(c) MAPS.—

(1) IN GENERAL.—The Secretary may make minor modifications to the descriptions or reconfigure the descriptions of the properties referenced in subsection (b) in order to facilitate a conveyance, to address management, or boundary considerations or correct errors. If any land adjacent to the 4.87 acre parcel described in subsection (b) is conveyed to the Yavapai Ranch, any such minor modifications shall be by mutual agreement between the Secretary and the Yavapai Ranch.

(2) DISCREPANCY.—In the event of any discrepancy between a map and legal description, the map shall prevail.

(3) AVAILABILITY.—All maps referred to in this Act shall be on file and available for inspection in the Office of the Supervisor, Kaibab National Forest, Williams, Arizona.

(d) AMOUNT OF CONSIDERATION.—In exchange for the land described in subsection (b), the individual or entity acquiring the land shall pay to the Secretary consideration in the amount of—

(1) market value; plus

(2) any costs of re-monumenting the boundary of land.

(e) APPRAISAL.—

(1) IN GENERAL.—The values of the Federal land shall be determined by appraisal using the appraisal standards in—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions, fifth edition (December 20, 2000); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) APPROVAL.—In accordance with part 254.9(a)(1) of title 36, Code of Federal Regulations (or any successor regulation), the appraiser shall be—

(A) acceptable to the Secretary

(B) a third party contractor.

(f) TIMING.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary receives a power of attorney executed by the individual or entity acquiring the land, the Secretary shall convey to the individual or entity the land described in subsection (b).

(2) LIMITATION.—If, by the date that is 270 days after the date of enactment of this Act, the Secretary does not receive the power of attorney described in paragraph (1)—

(A) the authority provided under this subsection shall terminate; and

(B) any conveyance of the land shall be made under Public Law 97–465 (16 U.S.C. 521c et seq).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 2907, introduced by the gentleman from Arizona (Mr. RENZI), provides for a land exchange in the State of Arizona between the Secretary of Agriculture and the Yavapai Ranch Limited Partnership. The bill would consolidate the largest remaining checkerboard ownership in Arizona. The Forest Service will receive 35,000 acres of land adjacent to an existing wilderness area which includes old growth ponderosa pine, oak, and alligator juniper forest lands and grasslands known to be a prime antelope habitat. The Yavapai Ranch Limited Partnership would receive approximately 21,000 acres of land.

H.R. 2907 is supported by a wide variety of vested interests including the

administration, many of the local city councils, local chapters of the Chamber of Commerce, as well as the Grand Canyon Trust and the Central Arizona Land Trust. I urge adoption of the bill.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, again on a bipartisan basis, I want to commend the gentleman from Arizona for his sponsorship of this proposed bill.

Mr. Speaker, H.R. 2907 would direct the Secretary of Agriculture to consummate a complicated land exchange in northern Arizona. The United States would receive approximately 35,000 acres of inholdings on the Prescott National Forest. In exchange, the United States would transfer title to the Yavapai Ranch Limited Partnership various parcels on the Coconino, Prescott, and the Kaibab National Forests. All lands would be appraised in accordance with Federal appraisal standards. Their values would be equalized as required in the Federal Land Policy and Management Act. This bill was also passed in the House last year, and we certainly have no objection to this.

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

Mr. SOUDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. RENZI), our committee's colleague and the author of the bill.

Mr. RENZI. Mr. Speaker, I thank the gentleman for yielding me this time and also my colleague from American Samoa for his kind remarks.

Mr. Speaker, I rise in support of H.R. 2907, the Northern Arizona National Forest Land Exchange Act of 2003. H.R. 2907 facilitates a land exchange in northern Arizona of private land within the Yavapai Ranch for the Forest Service land in the northern portion of the State.

H.R. 2907 accomplishes several goals in northern Arizona. First, it will preserve the pristine areas within Yavapai Ranch for the wildlife and recreation by consolidating more than 40,000 acres of Forest Service land. This area is adjacent to the Juniper Mesa Wilderness Area, preserving precious habitat for ponderosa pine, alligator juniper, and pronghorn antelope.

Second, H.R. 2907 provides the City of Flagstaff, Arizona, with the opportunity to acquire land to expand and improve Pulliam Airport. H.R. 2907 will allow the City of Flagstaff to develop a new city park and recreational areas and obtain ownership of land near their water treatment plant. This is critical to the City of Flagstaff's future, providing economic development and affordable housing.

The Northern Arizona National Forest Land Exchange Act will also allow the city of Williams to acquire land for its well sites, water storage tanks, and wastewater facility and drinking water treatment plants. Until recently, the city of Williams relied completely on surface water supplies to service the community. However, surface water reservoirs in Williams are almost dry and currently stand at a minimal 8 percent of capacity. H.R. 2907 will assist Williams in meeting their water challenges in the future by providing new land for well drilling sites.

In the Verde Valley, this bill provides the town of Camp Verde with unique opportunities to acquire land for open space to protect their view shed. The Camp Verde Fire District will be provided with land adjacent to Interstate 17 for an emergency response and urgent care facility for faster response and care. A planned development along Interstate 17 will provide Camp Verde with additional tax base and job opportunities.

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A residential development in Clarkdale and Cottonwood will diversify the housing market and provide new lands and an additional tax base for those communities.

Working with members of the Arizona delegation, including the gentleman from Arizona (Mr. HAYWORTH), we have ensured that the language in H.R. 2907 establishes water conservation and water use restrictions for any future development. In addition, any development would also comply with the State of Arizona surface and ground water laws, as well as local community planning standards.

Finally, this legislation assures that six summer youth camps serving 10,000 to 12,000 children from all over the region have the opportunity to acquire the land and benefit from full ownership. These camps include Young Life Lost Canyon Camp, Friendly Pines Camp, the YMCA camps, and a host of other camps. Young Life Lost Canyon alone serves approximately 4,500 children. Approximately 450 of these children have special needs.

In the past year, I have received many letters and phone calls providing input on the exchange. One such letter came from the chairman of the Yavapai-Apache Nation, Mr. Jamie Fullmer, the tribe that is most affected by this land exchange. Chairman Fullmer makes a statement of endorsement of this land exchange when he says in his letter, ''We also recognize that exchanging these already impacted lands for the unspoiled lands at the headwaters of the Verde River offers permanent protection for wildlife, the forest and the watershed that protects the Yavapai-Apache Nation's water rights.''

Mr. Speaker, I have held several town halls and town meetings on this issue. We have discussed these many complex issues with the surrounding communities, with individuals, and have public input on this exchange. I have visited and toured the Yavapai Ranch on three occasions. I have witnessed firsthand the great value of this land exchange. Bringing the Yavapai Ranch into Federal ownership is in the best interests of the greater good and of the general public. I urge my colleagues to support the Northern Arizona National Forest Land Exchange Act of 2003.

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

Mr. SOUDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH), another colleague from the committee and another advocate of Arizona.

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

I would be remiss if I did not take time to commend my colleague from the First Congressional District of Arizona (Mr. RENZI) for his hard work in shepherding this legislation through the committee process and for working tirelessly with the Forest Service and all affected parties to achieve consensus on this very important piece of legislation. I would likewise be remiss if I did not recognize my good friend and colleague from the other side of the aisle, the gentleman from American Samoa, who was nice enough to come and visit us in Arizona on many different issues and maintains a great interest in public lands throughout our country and beyond its immediate shores to the place where he calls home.

The Northern Arizona National Forest Land Exchange Act of 2003 provides for a Federal land exchange that places roughly 35,000 acres of pristine ponderosa pine forestland and biologically diverse land, much of which borders an existing wilderness area, into the hands of the United States Forest Service. This bill has been carefully crafted to ensure that the environment, ecosystems, watershed, and forestlands of northern Arizona are protected and preserved.

Mr. Speaker, harbor no delusions. This was an incredibly ambitious piece of work to get done. That is why kudos go to my friend from the first district for working so hard, because the gentleman from Arizona (Mr. RENZI), with this legislation, really refined a concept very similar to what I was pleased and honored to sponsor in the last Congress, together with our late friend, Bob Stump. The concept of this type of land exchange to consolidate the Yavapai Ranch lands just makes sense. Through this land exchange, our Federal Government will receive pristine forestlands that truly belong under the stewardship of the Forest Service to be preserved for future generations.

This exchange was originally initiated by the Forest Service to consolidate the largest remaining ''checkerboard'' parcel of land in Arizona and to protect the Juniper Mountains forest area from future development. Watershed management, wildlife habitat, and

outdoor recreation in the consolidated land parcel will be preserved through this action.

Additionally, many of the land parcels the Forest Service will trade to accomplish these goals are eagerly sought by the local communities for a variety of worthwhile civic purposes, including expansion of airports, parks, and other municipal facilities. And, as my colleague from the first district mentioned, six summer camps that currently lease lands from the Forest Service will acquire their leased areas. So there will be no uncertainty about this. We will be moving proactively, positively to preserve these youth camps that are so vital for so many children in the West and especially in our great State of Arizona.

Importantly, the land exchange embodied in this bill follows all Federal regulations, especially as they relate to land appraisal methods, public input and involvement, compensation for individuals holding grazing permits, and a requirement for an equal value exchange to ensure that the public is not short-changed in any way, shape, fashion, or form.

As an involved cosponsor of this bill, I can attest to the fact that there has been considerable participation of local elected officials, Forest Service personnel, private citizens, and various citizen groups from northern Arizona and Arizona's Verde Valley in drafting this legislation. Their input, Mr. Speaker, has been invaluable, and I am confident that the bill now put forth by my colleague addresses every major concern that has been brought to light.

Mr. Speaker, as a result of the efforts of the gentleman from Arizona (Mr. RENZI), this bill has been endorsed by the city councils of Flagstaff, Williams, Camp Verde, Cottonwood, Clarkdale, as well as the Yavapai County Board of Supervisors, the Salt River Project, the Arizona Game and Fish Department, the Flagstaff Chamber of Commerce, the Greater Flagstaff Economic Council, the Williams Chamber of Commerce, the Camp Verde Chamber of Commerce, the Cottonwood Chamber of Commerce, the Grand Canyon Trust, the Sedona-Verde Valley Realtors, the Wildlife Conservation Council, the Arizona Antelope Foundation, the Arizona Mule Deer Association, the Central Arizona Land Trust, and the Arizona Republic newspaper; and that is just a partial listing of folks supporting this legislation.

Again, Mr. Speaker, this legislation makes good common sense for our forests and for the people of Arizona. The cost savings for the Federal Government and, therefore, for American taxpayers associated with this land exchange are significant. The savings are accomplished through consolidation of Federal lands that allows for much greater ease in forest management. But much more important, this exchange will ensure that one of the last largest pristine forested parcels in Arizona will pass out of private hands and be protected from potentially harmful development indefinitely.

Again, Mr. Speaker, let me take time to commend my friend and colleague, the gentleman from Arizona (Mr. RENZI), for his hard work on this important legislation. I am grateful for the opportunity to partner with him on this bill. I am pleased to see my good friend, again, from American Samoa playing a vital role on the other side of the aisle, and I would urge passage of this important piece of legislation.

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

Mr. Speaker, I want to commend my good friend, the gentleman from Arizona (Mr. HAYWORTH), for his kind words. It is true it was my privilege very recently, in fact, about a week and a half ago, that I had the privilege of visiting the great State of Arizona, finding out that several thousand of my people live in Arizona. I guess they missed the 200 inches of rainfall that we have every year, and they thought maybe by going to Arizona would give them tremendous experience in learning how to live with 3 inches of rainfall every year in that great State.

I do want to commend him for his words and, as the cochairman of the Native American Caucus, I do commend him also for the tremendous work that he does with our Native American community. Again, I thank the gentleman from Indiana (Mr. SOUDER), my good friend, for his leadership in managing this proposed bill; and I urge my colleagues to support this legislation.

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

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

Mr. Speaker, in closing, I would like to again thank my colleagues from Arizona. For those in the Chamber and those who watch our proceedings here in Congress, this has been very instructive, because what we see most of the time is us debating, very heatedly, very few bills. Most bills, in fact, that move through Congress move this way. The discussions work out between the two sides.

This bill that we have discussed here for Arizona are huge in the number of the heritage areas, and there are very big tourist questions there. We have revamped the Fish and Wildlife Service, we have protected animals that are endangered from around the world, and we have done it in a bipartisan way. That is the way most legislation moves, and tonight we are seeing how the system works when we can compromise. But most of what people see on TV are the few times it breaks down. Those are big issues. They are important. But it is important to know that we do both things here in Washington. We do not just do the arguing; we also do the working together.

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

The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 2907, 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.

KALOKO-HONOKOHAU NATIONAL HISTORIC PARK ADDITION ACT OF 2003

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 254) to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes.

The Clerk read as follows:

S. 254

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kaloko-Honokōhau National Historical Park Addition Act of 2003''.

SEC. 2. ADDITIONS TO KALOKO–HONOKŌHAU NATIONAL HISTORICAL PARK.

Section 505(a) of Public Law 95–625 (16 U.S.C. 396d(a)) is amended—

(1) by striking ''(a) In order'' and inserting ''(a)(1) In order'';

(2) by striking ''1978,'' and all that follows and inserting ''1978.''; and

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

''(2) The boundaries of the park are modified to include lands and interests therein comprised of Parcels 1 and 2 totaling 2.14 acres, identified as 'Tract A' on the map entitled 'Kaloko-Honokōhau National Historical Park Proposed Boundary Adjustment', numbered PWR (PISO) 466/82,043 and dated April 2002.

''(3) The maps referred to in this subsection shall be on file and available for public inspection in the appropriate offices of the National Park Service.''.

SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, S. 254, introduced by Senator DANIEL AKAKA, would adjust the boundary of the Kaloko-Honokohau

National Park to include two adjacent parcels of land totaling 2.14 acres to be used as the park headquarters to house the administrative, interpretive, resource management, and maintenance functions. Over the long term, this acquisition would prove to be more cost effective than continuing its current lease.

Mr. Speaker, S. 254 is supported by the majority and the minority of the committee and the administration. I would urge adoption of the bill.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this proposed legislation.

Mr. Speaker, Senate bill 254 would expand the boundary of the Kaloko-Honokohau National Historic Park on the eastern shore of the island of Hawaii. It is our understanding that the National Park Service currently rents space in a building near the park for use as a visitors center and administrative offices. Apparently, there is a much larger space for sale in another part of the same structure. This proposed legislation will alter the boundary of the park to include this building so that the Park Service might acquire the new space for park use. This will improve park operations as well as the visitor experience, while also resulting in a long-term cost savings for the National Park Service.

Our colleague and my good friend, the gentleman from Hawaii (Mr. CASE), introduced companion legislation here in the House, and he is to be commended for his very diligent work in moving that legislation through the Committee on Resources and for his efforts to get this legislation to the House floor. I also want to commend at this time the good Senator from the State of Hawaii, Senator Daniel Akaka, for his sponsorship of this bill in the other body.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii (Mr. CASE), my good friend and colleague.

Mr. CASE. Mr. Speaker, to my colleagues in the Chamber, a fond aloha. I see that I have arrived in the nick of time to provide some illustration of the nuances of the Hawaiian language as it is spoken, although I must say that the Clerk of our great House and my colleague from Indiana did an admirable job under a lot of pressure. Of course, my colleague from American Samoa is an old expert at this, and I appreciate his pronunciation.

I am very pleased to speak today in strong support of S. 254, a bill introduced by my senior colleague, Senator AKAKA, to authorize expansion of the Kaloko-Honokohau National Historic Park located on the Kona Coast on the island of Hawaii, which I am very proud to represent and which is my home, my home island. This legislation is the Senate version of my bill, H.R. 546, which was previously passed out of the House Committee on Resources' Subcommittee on National Parks, Recreation and Public Lands. Passage of S. 254 in its stead today will allow this vital initiative to proceed directly to the President's desk.

Mr. Speaker, S. 254 authorizes expansion of the park boundaries to allow the National Park Service to purchase a 2.14-acre parcel with an existing building to serve as the park's headquarters. The park has been without a permanent headquarters since its establishment in 1978 and is now renting space some distance from the park itself.

Kaloko-Honokohau National Historic Park, an initiative of my former boss and mentor, U.S. Senator Spark Matsunaga, was created for the national preservation, protection, and interpretation of native Hawaiian activities and culture. This 1,160-acre park located along the Pacific Ocean in Kona is remarkable not only for its cultural and historical attributes, but as an incredibly beautiful, unspoiled natural treasure.

□ 1945

The park is the site of an ancient Hawaiian settlement, which encompasses portions of four different ahupua'a, or traditional sea-to-mountain land divisions. Its resources include ancient fishponds, kahua, house site platforms, ki'i pohaku, petroglyphs, a holua, stone slide, and heiau, religious sites. The park is of tremendous significance to the people of Hawaii and especially to indigenous native Hawaiians.

The National Park Service is currently renting space for its headquarters at a cost of $150,000 a year. The current headquarters only has parking for three to four visitors at a time, which is woefully inadequate to accommodate the growing number of visitors to this special park. Visitors increased from 54,000 in 2001 to 70,000 in 2002 and are well on track to increase even more in the current year. The proposed acquisition has plenty of parking for visitors and park vehicles. And the existing building has more than adequate space for the National Park Service's administrative needs not only for Kaloko-Honokohau, but for the other fantastic national and historic treasures under the Service's direction along the Kona Coast ranging from Pu'ukohola Heiau National Historic Site to the north, to Pu'uhonua, National Historic Park to the south. The already-developed parcel has the additional benefit of being right next to the park so that the fragile resources within the park proper will not be adversely affected.

For the people of Hawaii and for the indigenous native Hawaiians who hold this park in special esteem, I am deeply grateful to the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) of the Committee on Resources and to my colleagues from Indiana and from American Samoa for facilitating the prompt passage of this measure. I urge its prompt passage. Mahalo.

Mr. SOUDER. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

Mr. Speaker, my good friend, the gentleman from Indiana (Mr. SOUDER), had alluded earlier in his observations about the nature of the way we have been passing legislation. And I just want to second, and certainly support, his comments to the fact that this is probably one of the things that as Members of the sense of comity among our colleagues in the House, especially when the bill is proposed by a Member whose district is directly affected, that by and large whether you are a Republican or Democrat, but at least give the courtesy to that Member, the benefit of doubt that he knows what he is talking about.

For passage of this proposed legislation affecting each Member's district, just as my good friend, the gentleman from Hawaii (Mr. CASE), has just done here, I think speaks well of the spirit of comity that should exist. And I would think that my good friend, the gentleman from Indiana (Mr. SOUDER), had mentioned earlier about how we should go about passing legislation.

The gentleman from Hawaii (Mr. CASE) had made a comment about this Big Island of Hawaii. The Volcano National Park of Hawaii is the most visited national park in the State of Hawaii with over 4 million visitors just last year. And also by way of information to my colleagues of the House, if you visit Statutory Hall, that huge Hawaiian king who was about six foot eight when he was at the height of his power as a warrior king named Kamehameha, with warriors amounting to about 16,000 warriors and with about 900 war canoes came from that Big Island and managed to conquer all of the islands coming under his rulership. Something that is tremendous history.

Some times there is tremendous misunderstanding of my colleagues when you say a Hawaiian, you think that it is the same as being called a Californian or a Texan. I think we need to understand there is a sense of culture in the State of Hawaii. When you are a Hawaiian, there are people who are called native Hawaiians, indigenous people of the State of Hawaii, which I am so proud to be a part of. And as a fellow Polynesian, I commend my good friend, the gentleman from Hawaii (Mr. CASE), for bringing out some of these pronunciations that I realize sometimes it sounds like Greek to some of

the Members here in the Chamber. A tremendous opportunity for education of my colleagues, I must say, Mr. Speaker.

Again, I thank my good friend, the gentleman from Indiana (Mr. SOUDER) for his leadership and management of these proposed bills.

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

The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the Senate bill, S. 254.

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

A motion to reconsider was laid on the table.

INCREASING THE WAIVER REQUIREMENT FOR CERTAIN LOCAL MATCHING REQUIREMENTS TO AMERICAN SAMOA, GUAM, THE VIRGIN ISLANDS, OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1189) to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and for other purposes.

The Clerk read as follows:

H.R. 1189

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

SECTION 1. WAIVER OF LOCAL MATCHING REQUIREMENTS.

(a) WAIVER OF CERTAIN MATCHING REQUIREMENTS.—Section 501 of the Act entitled ''An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes'', approved October 15, 1977 (48 U.S.C. 1469a; 91 Stat. 1164) is amended—

(1) in the last sentence of subsection (d), by striking ''by law''; and

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

''(e) Notwithstanding any other provision of law, in the case of American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands, each department or agency of the United States shall waive any requirement for local matching funds (including in-kind contributions) that the insular area would otherwise be required to provide for any grant as follows:

''(1) For a grant requiring matching funds (including in-kind contributions) of $500,000 or less, the entire matching requirement shall be waived.

''(2) For a grant requiring matching funds (including in-kind contributions) of more than $500,000, $500,000 of the matching requirement shall be waived.''.

(b) CONFORMING AMENDMENT.—Section 601 of the Act entitled ''An Act to authorize appropriations for certain insular areas of the United States, and for other purposes'', approved March 12, 1980 (48 U.S.C. 1469a note; 94 Stat. 90), is amended by striking '', and adding the following sentence'' and all that follows through ''Islands.'''.

(c) STUDY.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Interior shall complete and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the results of a study of the implementation of the amendments made by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 1189 which was introduced by my friend and colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA), is important as a component of the larger interest in encouraging economic development in the territories.

I would like to add, earlier the gentleman from American Samoa (Mr. FALEOMAVAEGA) talked about his many friends in Arizona. A few years ago I was fortunate to travel with the gentleman and Speaker HASTERT around the Middle East and other countries. Everywhere we went we met Samoans. They all knew who he was. He has friends around the world in multiple continents. I can verify to that, as can the Speaker, not just in Arizona and his home area. Samoans were everywhere. I very much appreciate that.

Many Americans do not realize the role that our committee plays with this. This is a very important bill to the territories. H.R. 1189 increases the waiver for certain local matching requirements for all United States territories. Currently, Federal law allows Federal agencies or departments to waive the first $200,000 in matching requirements to the U.S. territories of American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands. This legislation will increase that amount to $500,000. Further, for a grant requiring matching funds of more than $500,000 the legislation waives the first $500,000 of the matching requirement.

It is important to note that H.R. 1189 will also end the inconsistent manner in which current law is applied to the matching waiver. With this bill, the waiver will apply to all Federal agencies and departments making grants to the U.S. territories, not just the Department of Interior.

The bill of the gentleman from American Samoa (Mr. FALEOMAVAEGA) closely resembles legislation introduced by Delegate Underwood in the 107th Congress which was also reported with strong bipartisan support by the Committee on Resources. It is clear that while territorial economies, in general, have improved over the last several years, each government continues to be challenged with rising unemployment, decreased government revenues, and limited new capital for diversification. Passage of this legislation today and its eventual enactment will truly broaden the U.S. Territories' access to Federal grants which should help to grow their unique economies.

I commend the gentleman from American Samoa (Mr. FALEOMAVAEGA) for working with this committee and others to ensure this legislation moves forward. I urge my colleagues to support H.R. 1189.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to support H.R. 1189, a bill to assist our insular territories by waiving matching requirements at a certain Federal level for Federal grant programs. I would like to thank the gentleman from California (Chairman POMBO) and the gentleman from West Virginia (Mr. RAHALL) of the Committee on Resources for their continued support regarding the needs of our island territories and for their help in bringing this legislation to the floor today.

I would also be mindful in expressing my appreciation to the support and cosponsorship of the gentlewoman from Guam (Ms. BORDALLO) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and my good friend, the Resident Commissioner, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) for their support.

H.R. 1189 is a bill that would increase the waiver requirement for certain local matching requirements for grants provided for the territories of American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Mr. Speaker, Congress first enacted a matching waiver requirement for the territories in 1980, recognizing the difficulty of territorial governments to access Federal grant money that required matching as the basis of a funding. At that time the waiver was set at $100,000 for American Samoa and the CNMI. And later in 1983 and 1984 the law was amended to increase the requirements to $200,000 and was simultaneously added to the territories of the Guam and Virgin Islands for eligibility. It has now been 20 years since the law has been revisited, and the current waiver of $200,000 has been proven to be inadequate to meet the needs of these insular areas.

Mr. Speaker, our territorial governments continue to be challenged with rising unemployment, decreased government revenues, and impediments to attracting new capital for diversification. The insular areas simply do not have the financial resources to meet the matching fund requirements required by Federal law. Consequently, we are often unable to apply for the Federal grants that we need to address critical issues like health, education, and economic development. H.R. 1189 would alleviate these difficulties by increasing the waiver requirement to $500,000.

Mr. Speaker, H.R. 1189 the would also direct the Secretary of the Interior to complete and to submit to the House Committee on Resources and the Senate Committee on Energy and Natural Resources the results of a study of the implementation to the changes to the matching requirement made through this legislation. While it is clear that more comprehensive legislation is needed to bring about sustainable economic growth and relief for the insular areas, I believe this legislation will alleviate some of the economic difficulties we are facing.

Again, Mr. Speaker, I would also like to take this opportunity to thank my colleagues, the gentlewoman from Guam (Ms. BORDALLO), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) for expressing their support. Again, I express my appreciation to the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Indiana (Mr. SOUDER). I want to let the gentleman from Indiana know that I did not forget that trip that we took to the Middle East. Yes, in fact, just about every military installation that we visited with the then chairman of the International Security Subcommittee of the Committee on Government Reform, the gentleman from Illinois, whose name was Mr. HASTERT, who is now the Honorable Speaker of the House, from which I really enjoyed meeting not only with our soldiers and our troops in that opportunity that we had.

Again, Mr. Speaker, I thank my good friend, the gentleman from Indiana (Mr. SOUDER) for his assistance in managing this proposed bill. I urge my colleagues to support this proposed legislation.

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

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

Mr. Speaker, I wanted to close, as someone who comes from the heartland of the United States, I know many of my constituents and others say, ''We still have territories?'' And then, ''Why are we doing grants to these territories?'' As my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA) has just pointed out, when you go through our Armed Services anywhere around the world, they are among the most active and volunteering for our militaries in these different territories, the bases that we have in these places, the beautiful natural resources, are very important to our survival as a country. They pay taxes. They support our Nation. This brings equity to them in the grant structure. And we can, in this time of international pressure, all of a sudden appreciate more American Samoa, Hawaii, Mariana Islands, Guam, are right out there where we need them to be. And we are very supportive of these territories. This bill goes a long way towards saying thank you.

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 Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 1189.

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.

URGING THE PRESIDENT TO PRESENT THE PRESIDENTIAL MEDAL OF FREEDOM TO HIS HOLINESS, POPE JOHN PAUL II

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 313) to urge the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church.

The Clerk read as follows:

H. CON. RES. 313

Whereas His Holiness, Pope John Paul II, was born Karol Jozef Wojtyla in Wadowice, Poland, on May 18, 1920, the youngest of 3 children, born to Karol Wojtyla and Emilia Kaczorowska;

Whereas Pope John Paul II personally suffered and experienced deprivation from an early age, losing his mother, eldest brother, and father before turning age 21;

Whereas Pope John Paul II found comfort and strength in the example of his father's faith, who he observed ''after my mother's death, his life became one of constant prayer. Sometimes I would wake up during the night and find my father on his knees . . . his example was in a way my first seminary'';

Whereas Pope John Paul II was enrolled in Jagiellonian University in Cracow in 1939, which was closed by the Nazis during their occupation of Poland;

Whereas Pope John Paul II experienced the brutishness of a godless totalitarian regime, which sought to eradicate the history and culture of a proud people and sent many of his professors, friends, and millions of Polish Jews to camps where they were systematically murdered;

Whereas Pope John Paul II was himself arrested by Nazi occupation forces in 1942, but his life was spared because of his employment at a limestone quarry, work deemed essential to the war effort;

Whereas Pope John Paul II courageously defied the Nazi occupation forces, risking his own life to protect Polish Jews from persecution, helping to organize the underground ''Rhapsodic Theatre'', which he intended to be ''a theatre . . . where the national spirit will burn'', writing two religious plays considered subversive to the Nazi regime, and enrolling in the clandestine seminary of Archbishop Sapieha of Cracow, where he studied religion, theology, and philosophy;

Whereas the Nazi occupation of Poland was ended only by the imposition of a communist era of occupation that sought to subjugate Polish citizens, extinguish Polish nationalism, and subjected the exercise of individual religious liberty to the control of godless Stalinist rulers;

Whereas Pope John Paul II was ordained in 1946, later becoming a Professor of Ethics and Chaplain at the Catholic University of Lublin, the only Catholic university behind the Iron Curtain, where he, again at great personal risk, initiated activities that helped to preserve the intellectual, cultural, and historical richness of his homeland and protected the integrity and independence of the Catholic Church in Poland;

Whereas Pope John Paul II was an articulate and outspoken advocate for religious freedom and Christian humanism at Vatican Council II, asserting that the Church could not claim religious liberty for itself unless it was willing to concede it to others;

Whereas Pope John Paul II, upon returning to his homeland, frequently cited the Council's declaration that religious freedom was ''the first of human rights'', a phrase embraced by Polish Catholics in their struggle against the hegemony of the communist regime;

Whereas Pope John Paul II, on October 16, 1978, was elected the 264th Pope, making history by becoming the first-ever Slavic Pope and the first non-Italian Pope in more than 400 years;

Whereas October 22, 2003, marked the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church, signifying Pope John Paul II's completion of 25 years as the spiritual leader of more than 1,000,000,000 Catholic Christians around the world, including more than 66,000,000 Catholic Christians in the United States;

Whereas Pope John Paul II was a unique, substantial, and historic catalyst in the demise of Soviet communism and the emancipation of hundreds of millions of people from totalitarian rule;

Whereas Pope John Paul II, in his inaugural sermon, boldly offered hope to oppressed peoples around the world while causing authoritarian rulers to brace by proclaiming ''open the boundaries of states, economic and political systems, the vast fields of culture, civilization and development. Do not be afraid.'';

Whereas Pope John Paul II returned to his native Poland for 9 days in June 1979, unleashing patriotic and religious forces that would ultimately lead to the peaceful toppling of the communist regime in Poland and the dramatic demise of the Warsaw Pact and the Soviet Union;

Whereas Pope John Paul II, before visiting his native Poland in 1987, met with President Ronald Reagan, who recognized the fruits of His Holiness' labors by stating ''be assured that the hearts of the American people are with you. Our prayers will go with you in profound hope that the terrible burden of brave people everywhere who yearn for freedom, even as all men and women yearn for the freedom that God gave us all. . . . We see

the power of the spiritual force in that troubled land, uniting a people in hope, just as we see the powerful stirrings in the East of a belief that will not die despite generations of oppression. . . . For despite all the attempts to extinguish it, the people's faith burns with a passionate heat: once allowed to breathe free, that faith will burn so brightly it will light the world.'';

Whereas Pope John Paul II was recognized by Lady Margaret Thatcher to have ''provided the main impetus for the revival of Solidarity and the pressure for reform [in his native Poland]'';

Whereas Pope John Paul II was acknowledged by Mikhail Gorbachev to have played an essential role in the liberation of those who lived under European communism when he stated ''everything that happened in Eastern Europe . . . would have been impossible without this pope'';

Whereas Pope John Paul II carried on an active correspondence with world leaders during the 1980's, involving the Church in efforts to promote peace by reducing tensions, and exerting his moral authority to persuade the superpowers to engage in a ''dialogue'' that succeeded in reducing conventional and nuclear weapons and helped to avert a nuclear war;

Whereas Pope John Paul II has used public and private diplomacy and the power of moral suasion to encourage world leaders to respect the inalienable rights of the human person;

Whereas Pope John Paul II, on May 13, 1981, was shot by a would-be assassin, and nevertheless provided a remarkable example of the power of grace, later visiting his attacker in prison, and stating afterwards ''I spoke to him as I would speak to a brother whom I have forgiven and who enjoys my confidence'';

Whereas Pope John Paul II has ministered to Catholic and non-Catholic alike, providing a personal example of grace, endurance, compassion, courage, sacrifice, and foresight;

Whereas Pope John Paul II has sought to heal divisions between the Catholic Church and other Christian faiths, the Jewish faith, and Islam, expressing sadness and regret for the individual acts of present and former Catholics who persecuted members of other faiths, and promoting reconciliation and dialogue through the first-ever Papal visits to synagogues and mosques, as well as visits to areas of historic conflict, including Ireland and the Holy Land;

Whereas Pope John Paul II visited Cuba to speak directly to the Cuban people and their communist rulers in 1998, calling for political and religious freedom, the release of political prisoners, a recognition of the right to express one's faith ''in the context of public life'', and the importance of fundamental human dignities, including that ''each person enjoying freedom of expression, being free to undertake initiatives and make proposals within civil society, and enjoying appropriate freedom of association'' is a necessity;

Whereas Pope John Paul II has traveled farther than any other Pope in history, traversing nearly three quarters of a million miles, visiting more than 125 countries, including African nations never before visited by a Pope, being seen by more people than anyone in human history, and evangelizing to more than 6,000,000 people in the closing mass of World Youth Day '95 in the Philippines;

Whereas Pope John Paul II has changed the course of history, leading the Catholic Church through a dramatic and remarkable period, and into Christianity's third millennium;

Whereas Pope John Paul II has devoted his life to the amelioration of the human cost of terror and oppression through his dedication to truth, forgiveness, and the development of a vibrant public moral culture;

Whereas Pope John Paul II has articulated the importance of individual liberty being undergirded by a ''moral order'', has embraced the poor and oppressed masses of the world, and encouraged governments and the faithful to attend to the needs of those who are less fortunate;

Whereas Pope John Paul II has brought hope and inspiration to hundreds of millions of people around the world oppressed by tyranny, hunger, disease, and despair;

Whereas Pope John Paul II has worked tirelessly to bring peace to regions of the world that have been driven by strife, intolerance, hatred, and violence for far too long; and

Whereas the Presidential Medal of Freedom is considered the highest civilian award of the United States Government: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress urges the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

□ 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 313, a resolution that urges the President on behalf of the United States to present the Presidential Medal of Honor to his Holiness, Pope John Paul II.

Pope John Paul II has been the Supreme Pastor of the Catholic Church for 25 years and the spiritual leader to over one billion Catholic Christians all over the world including 66 million Catholic Christians in the United States alone. During this time he has been to more than 125 countries and traveled farther than any other Pope in history to advance the cause of the oppressed and the poor masses of the world, as well as to bring peace to all regions of the world. It is with great humility and great pride that I speak tonight in favor of this resolution that honors one of the greatest human rights advocates of our time.

Today my colleagues and I will be voting on a bill that will present this honor to Pope John Paul II in recognition of his profound contributions to the causes of human dignity, unity, peace and freedom. Since his historic election to his position in October of 1978 as the first Polish Pope, he has been a model of courage in the defense of the downtrodden, the oppressed, and the most persecuted and defenseless.

Pope John Paul II has stated throughout his life that it is possible to change the course of events once good will, trust in others, and cooperation between responsible partners are allowed to prevail.

Throughout his tenure, he has empowered many under communist rule by strengthening them spiritually and implanting his message to not be afraid. He has seen the unification of a once-divided Europe. He has called world leaders onto a higher level of accountability as he worked to provide solutions to the various problems which they faced. It is the Holy Father's belief that all people together, Jews, Christians, Muslim, Israelis, Arabs, believers and nonbelievers, must create and reinforce peace; and he has worked to make this ideal a reality.

As an ardent advocate of human rights for all, especially those suffering political and religious persecution, I join our Holy Father in his desire to see a world where all may live and work together in a spirit of peace, mutual respect, and solidarity and where the sanctity of human life is preserved on all levels.

I ask my colleagues to join me in thanking Pope John Paul II for his love and dedication to all people of the world and urge my colleagues to vote in favor of House Concurrent Resolution 313.

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, despite failing health, Pope John Paul II has continued to travel around the world promoting the cause of peace. He has made over 102 journeys outside Italy to 123 countries and territories to spread peace and God's word. He has used his moral authority to challenge dictators in his fight for human rights and dignity.

Pope John Paul II has been one of the most significant figures of the 20th century. Until John Paul II, most Popes confined themselves to Rome and the surrounding area. They were often distant and unapproachable. But John Paul has revolutionized the papacy. The Pope is conservative and is a champion of long-standing Church traditions. He is also the most traveled Pope in history and a man of the world. He has brought much attention to his role of helping and encouraging the Church around the world.

John Paul was instrumental in the fall of communism in Eastern Europe for support for the Solidarity movement in Poland where he is a national hero. With the collapse of the Soviet Empire and the subsequent visit of former Soviet leader Mikhail Gorbachev to Rome, the papacy reached a height of moral and political influence in the world. He has used that influence to further the cause of human rights so that people have the right not

to be fearful, the right to be able to work and to practice their faith.

This resolution urges the President to present the Presidential Medal of Freedom to Pope John Paul II for his contributions to the cause of freedom, human dignity and peace. He is certainly deserving of such an honor, and I urge my colleagues to support this resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from the State of Wisconsin (Mr. SENSENBRENNER), the sponsor of this important resolution.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for yielding me time.

I rise to pay tribute to His Holiness, Pope John Paul II, who in October marked his 25th year as bishop of Rome and Supreme Pastor of the Catholic Church.

I also wish to offer my sincere appreciation to all my friends and colleagues in the House who have joined together to urge the President to present the Medal of Freedom to Pope John Paul II.

The celebration of the Silver Jubilee of Pope John Paul II pontificate is but the latest in the series of remarkable milestones that have characterized his life and his ministry.

From his birth on May 18, 1920, Karol Jozef Wojtyla's life has been intertwined with the fate of his native Poland and synonymous with the struggle for his individual freedom and dignity.

In 1978 when then-Cardinal Wojtyla, the Archbishop of Krakow, was elected Pope, the world was such a different place. For more than 3 decades since Winston Churchill delivered his famous ''Iron Curtain'' speech, people around the world prepared for what many regarded as the inevitable new war that would someday engulf the East and the West. To win the Cold War, geopolitical strategists honed and implemented various policies including the doctrines of attainment and mutual-assured destruction.

At this pivotal moment in history when the status quo included the subjugation of half the populations of Europe and the omnipresent threat of nuclear annihilation, a remarkable and energetic new Pope set foot on the world stage. To many in the West, this new Polish Pope was an unknown entity. While we recognized immediately his energy, courage and leadership, these same qualities were reviewed with suspicion by some in the East, particularly the communist rulers in Poland.

Pope John Paul II's commitment to freedom, his affection for his native Poland, and the devotion of his countrymen to him were never more evident than the summer of 1980. That August, the Solidarity Workers Union, which Cardinal Wojtyla had nurtured and protected, organized a peaceful strike at the Lenin Shipyard in Gdansk.

With the Pope's portrait suddenly appearing everywhere and the admonition from his inaugural sermon, ''Do not be afraid,'' on the lips of the workers, his support and reassurance provided vital sustenance for the strikers and ignited a spiritual spark in their struggle to secure dignity and freedom. Ultimately, that spark would lead to the demise of Soviet communism and the liberation of hundreds of millions in Eastern and Central Europe. History has recorded the remarkable achievement of Pope John Paul II and his relentless advocacy in pursuit of individual dignity, freedom, and peace.

The Pope has not confined his efforts solely to the struggle against totalitarianism. He has engaged wherever people are downtrodden and oppressed.

Mr. Speaker, the Congress should pass House Concurrent Resolution 313 and urge the President to present the Medal of Freedom, our Nation's highest civilian award, to His Holiness.

In authorizing the first Medals of Freedom in 1963, President Kennedy proclaimed that persons who have made especially meritorious contributions to the security or national interests of the United States, world peace or cultural or other significant public or private endeavors should be so recognized. By any measure it is apparent that there is no individual more deserving of this recognition than Pope John Paul II.

Two other recipients of the Medal of Freedom, President Ronald Reagan and Lady Margaret Thatcher, shared the Pope's commitment to Solidarity in the 1980s. In my estimation, their leadership changed the course of human history. In 1984, while welcoming the Pope to the United States, President Reagan spoke of the connection between freedom, the founding of our own Nation, and America's debt to His Holiness.

President Reagan stated, ''I can assure you, Your Holiness, that the American people seek to act as a force for peace in the world and to further the cause of human freedom and dignity. Indeed, in appreciation for the unalienable rights of every human being is the very concept that gave birth to this Nation. Few have understood better than our Nation's founding fathers that claims of human dignity transcend the claims of any government, and this transcendent right itself has a transcendent source.''

The President went on to state, ''To us, Your Holiness, the Holy See and your pastorate represent one of humanity's greatest moral and spiritual forces,'' and ''your words, your prayers and your example have made you, for those who suffer oppression or the violence of war, a source of solace, inspiration and hope.''

It is no exaggeration to recognize that this remarkable man has brought hope, comfort and faith to literally billions of people around the world during the course of his ministry.

Three weeks ago today I was honored to be joined by 30 Members of the House in introducing this resolution. Since that time we have gained additional support for which I am grateful, and I particularly appreciate the work of the gentleman from Virginia (Mr. TOM DAVIS) and the Committee on Government Reform who reported our resolution to the floor in such a timely manner.

As stated previously, our bipartisan resolution calls upon the President on behalf of all the people of the United States to present the Medal of Freedom to Pope John Paul II as a sign of our gratitude for his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace. We urge the President to do so without delay.

Finally, I include an article by Carl Bernstein entitled ''The Holy Alliance,'' which appeared in the February 24, 1992, edition of Time, as well as an article by Father Robert A. Sirico entitled ''The Cold War's Magnificent Seven; Pope John Paul II; Awakener of the East,'' which was published in the winter 1992 edition of Policy Review.

In closing, Mr. Speaker, I would invoke President Reagan once more. When asked his assessment of the Pope before meeting him the first time, the President replied, ''He is an example of what so many people have always said about Christian and Judaic tradition, and that is, when really needed, God provides a man. And I think in Pope John Paul he did just that.''

Billions around the world are thankful that God has provided such a man.

The articles referred to are as follows:

[From Time Magazine, Feb. 24, 1992]

THE HOLY ALLIANCE

(By Carl Bernstein)

Only President Ronald Reagan and Pope John Paul II were present in the Vatican Library on Monday, June 7, 1982. It was the first time the two had met, and they talked for 50 minutes. In the same wing of the papal apartments, Agostino Cardinal Casaroli and Archbishop Achille Silvestrini met with Secretary of State Alexander Haig and Judge William Clark, Reagan's National Security Adviser. Most of their discussion focused on Israel's invasion of Lebanon, then in its second day; Haig told them Prime Minister Menachem Begin had assured him that the invasion would not go farther than 25 miles inside Lebanon.

But Reagan and the Pope spent only a few minutes reviewing events in the Middle East. Instead they remained focused on a subject much closer to their heart: Poland and the Soviet dominance of Eastern Europe. In that meeting, Reagan and the Pope agreed to undertake a clandestine campaign to hasten the dissolution of the communist empire. Declares Richard Allen, Reagan's first National Security Adviser: ''This was one of the great secret alliances of all time.''

The operation was focused on Poland, the most populous of the Soviet satellites in Eastern Europe and the birthplace of John Paul II. Both the Pope and the President were convinced that Poland could be broken out of the Soviet orbit if the Vatican and the

U.S. committed their resources to destabilizing the Polish government and keeping the outlawed Solidarity movement alive after the declaration of martial law in 1981.

Until Solidarity's legal status was restored in 1989 it flourished underground, supplied, nurtured and advised largely by the network established under the auspices of Reagan and John Paul II. Tons of equipment—fax machines (the first in Poland), printing presses, transmitters, telephones, shortwave radios, video cameras, photocopiers, telex machines, computers, word processors—were smuggled into Poland via channels established by priests and American agents and representatives of the AFL–CIO and European labor movements. Money for the banned union came from CIA funds, the National Endowment for Democracy, secret accounts in the Vatican and Western trade unions.

Lech Walesa and other leaders of Solidarity received strategic advice—often conveyed by priests or American and European labor experts working undercover in Poland—that reflected the thinking of the Vatican and the Reagan Administration. As the effectiveness of the resistance grew, the stream of information to the West about the internal decisions of the Polish government and the contents of Warsaw's communications with Moscow became a flood. The details came not only from priests but also from spies within the Polish government.

DOWN WITH YALTA

According to aides who shared their leaders' view of the world, Reagan and John Paul II refused to accept a fundamental political fact of their lifetimes: the division of Europe as mandated at Yalta and the communist dominance of Eastern Europe. A free, noncommunist Poland, they were convinced, would be a dagger to the heart of the Soviet empire; and if Poland became democratic, other East European states would follow.

''We both felt that a great mistake had been made at Yalta and something should be done,'' Reagan says today. ''Solidarity was the very weapon for bringing this about, because it was an organization of the laborers of Poland.'' Nothing quite like Solidarity had ever existed in Eastern Europe, Reagan notes, adding that the workers' union ''was contrary to anything the Soviets would want or the communists [in Poland] would want.''

According to Solidarity leaders, Walesa and his lieutenants were aware that both Reagan and John Paul II were committed to Solidarity's survival, but they could only guess at the extent of the collaboration. ''Officially I didn't know the church was working with the U.S.,'' says Wojciech Adamiecki, the organizer and editor of underground Solidarity newspapers and now a counselor at the Polish embassy in Washington. ''We were told the Pope had warned the Soviets that if they entered Poland he would fly to Poland and stay with the Polish people. The church was of primary assistance. It was half open, half secret. Open as far as humanitarian aid—food, money, medicine, doctors' consultations held in churches, for instance—and secret as far as supporting political activities: distributing printing machines of all kinds, giving us a place for underground meetings, organizing special demonstrations.''

At their first meeting, Reagan and John Paul II discussed something else they had in common: both had survived assassination attempts only six weeks apart in 1981, and both believed God had saved them for a special mission. ''A close friend of Ronald Reagan's told me the President said, 'Look how the evil forces were put in our way and how Providence intervened,' '' says Pio Cardinal Laghi, the former apostolic delegate to Washington. According to National Security Adviser Clark, the Pope and Reagan referred to the ''miraculous'' fact that they had survived. Clark said the men shared ''a unity of spiritual view and a unity of vision on the Soviet empire: that right or correctness would ultimately prevail in the divine plan.''

''Reagan came in with very simple and strongly held views,'' says Admiral Bobby Inman, former deputy director of the CIA. ''It is a valid point of view that he saw the collapse [of communism] coming and he pushed it—hard.'' During the first half of 1982, a five-part strategy emerged that was aimed at bringing about the collapse of the Soviet economy, fraying the ties that bound the U.S.S.R. to its client states in the Warsaw Pact and forcing reform inside the Soviet empire. Elements of that strategy included:

The U.S. defense buildup already under way, aimed at making it too costly for the Soviets to compete militarily with the U.S. Reagan's Strategic Defense Initiative—Star Wars—became a centerpiece of the strategy.

Covert operations aimed at encouraging reform movements in Hungary, Czechoslovakia and Poland.

Financial aid to Warsaw Pact nations calibrated to their willingness to protect human rights and undertake political and free-market reforms.

Economic isolation of the Soviet Union and the withholding of Western and Japanese technology from Moscow. The Administration focused on denying the U.S.S.R. what it had hoped would be its principal source of hard currency in the 21st century: profits from a transcontinental pipeline to supply natural gas to Western Europe. The 3,600-mile-long pipeline, stretching from Siberia to France, opened on time on Jan. 1, 1984, but on a far smaller scale than the Soviets had hoped.

Increased use of Radio Liberty, Voice of America and Radio Free Europe to transmit the Administration's messages to the people of Eastern Europe.

Yet in 1982 neither Reagan nor the Pope could anticipate the accession of a Soviet leader like Mikhail Gorbachev, the father of glasnost and perestroika; his efforts at reform unleashed powerful forces that spun out of his control and led to the breakup of the Soviet Union. The Washington-Vatican alliance ''didn't cause the fall of communism,'' observes a U.S. official familiar with the details of the plot to keep Solidarity alive. ''Like all great and lucky leaders, the Pope and the President exploited the forces of history to their own ends.''

THE CRACKDOWN

The campaign by Washington and the Vatican to keep Solidarity alive began immediately after General Wojciech Jaruzelski declared martial law on Dec. 13, 1981. In those dark hours, Poland's communications with the noncommunist world were cut; 6,000 leaders of Solidarity were detained; hundreds were charged with treason, subversion and counterrevolution; nine were killed; and the union was banned. But thousands of others went into hiding, many seeking protection in churches, rectories and with priests. Authorities took Walesa into custody and interned him in a remote hunting lodge.

Shortly after Polish security forces moved into the streets, Reagan called the Pope for his advice. At a service of meetings over the next few days, Reagan discussed his options. ''We had a massive row in the Cabinet and the National Security Council about putting together a menu of counteractions,'' former Secretary of State Haig recalls. ''They ranged from sanctions that would have been crushing in their impact on Poland to talking so tough that we would have risked creating another situation like Hungary in '56 or Czechoslovakia in '68.''

Haig dispatched Ambassador at Large Vernon Walters, a devout Roman Catholic, to meet with John Paul II. Walters arrived in Rome soon after, and met separately with the Pope and with Cardinal Casaroli, the Vatican secretary of state. Both sides agreed that Solidarity's flame must not be extinguished, that the Soviets must become the focus of an international campaign of isolation, and that the Polish government must be subjected to moral and limited economic pressure.

According to U.S. intelligence sources, the Pope had already advised Walcsa through church channels to keep his movement operating underground, and to pass the word to Solidarity's 10 million members not to go into the streets and risk provoking Warsaw Pact intervention or civil war with Polish security forces. Because the communists had cut the direct phone lines between Poland and the Vatican, John Paul II communicated with Jozef Cardinal Glemp in Warsaw via radio. He also dispatched his envoys to Poland to report on the situation. ''The Vatican's information was absolutely better and quicker than ours in every respect,'' says Haig. ''Though we had some excellent sources of our own, our information was taking too long to filter through the intelligence bureaucracy.''

In the first hours of the crisis, Reagan ordered that the Pope receive as quickly as possible relevant American intelligence, including information from a Polish Deputy Minister of Defense who was secretly reporting to the CIA. Washington also handed over to the Vatican reports and analysis from Colonel Ryszard Kuklinski, a senior member of the Polish general staff, who was a CIA informant until November 1981, when he had to be smuggled out of Poland after he warned that the Soviets were prepared to invade if the Polish government did not impose martial law. Kuklinski had issued a similar warning about a Soviet military action in late 1980, which led the outgoing Carter Administration to send secret messages to Leonid Brezhnev informing him that among the costs of an invasion would be the sale of sophisticated U.S. weapons to China. This time, Kuklinski reported to Washington, Brezhnev had grown more impatient, and a disastrous harvest at home meant that the Kremlin did not need mechanized army units to help bring in the crops and instead could spare them for an invasion. ''Anything that we knew that we thought the Pope would not be aware of, we certainly brought it to his attention,'' says Reagan. ''Immediately.''

THE CATHOLIC TEAM

The key Administration players were all devout Roman Catholics—CIA chief William Casey, Allen, Clark, Haig, Walters and William Wilson, Reagan's first ambassador to the Vatican. They regarded the U.S.-Vatican relationship as a holy alliance: the moral force of the Pope and the teachings of their church combined with their fierce anticommunism and their notion of American democracy. Yet the mission would have been impossible without the full support of Reagan, who believed fervently in both the benefits and the practical applications of Washington's relationship with the Vatican. One of his earliest goals as President, Reagan says, was to recognize the Vatican as a state ''and make them an ally.''

According to Admiral John Poindexter, the military assistant to the National Security Adviser when martial law was declared in Poland, Reagan was convinced that the communists had made a huge miscalculation: after allowing Solidarity to operate openly for 16 months before the crackdown, the Polish government would only alienate its countrymen by attempting to cripple the labor

movement and, most important, would bring the powerful church into direct conflict with the Polish regime. ''I didn't think that this [the decision to impose martial law and crush Solidarity] could stand, because of the history of Poland and the religious aspect and all,'' Reagan says. Says Cardinal Casaroli: ''There was a real coincidence of interests between the U.S. and the Vatican.''

The major decisions on funneling aid to Solidarity and responding to the Polish and Soviet governments were made by Reagan, Casey and Clark, in consultation with John Paul II. ''Reagan understood these things quite well, including the covert side,'' says Richard Pipes, the conservative Polish-born scholar who headed the NSC's Soviet and East-European desks. ''The President talked about the evil of the Soviet system—not its people—and how we had to do everything possible to help these people in Solidarity who were struggling for freedom. People like Haig and Commerce Secretary Malcolm Baldrige and James Baker [White House chief of staff at the time] thought it wasn't realistic. George Bush never said a word. I used to sit behind him, and I never knew what his opinions were. But Reagan really understood what was at stake.''

By most accounts, Casey stepped into the vacuum in the first days after the declaration of martial law in Poland and—as he did in Central America—became the principal policy architect. Meanwhile Pipes and the NSC staff began drafting proposals for sanctions. ''The object was to drain the Soviets and to lay blame for martial law at their doorstep,'' says Pipes. ''The sanctions were coordinated with Special Operations [the CIA division in charge of covert task forces], and the first objective was to keep Solidarity alive by supplying money, communications and equipment.''

''The church was trying to modulate the whole situation,'' explains one of the NSC officials who directed the effort to curtail the pipeline. ''They [church leaders] were in effect trying to create circumstances that would head off the serious threat of Soviet intervention while allowing us to get tougher and tougher; they were part and parcel of virtually all of our deliberations in terms of how we viewed the evolution of government-sponsored repression in Poland—whether it was lessening or getting worse, and how we should proceed.''

As for his conversations with Reagan about Poland, Clark says they were usually short. ''I don't think I ever had an in-depth, one-on-one, private conversation that existed for more than three minutes with him—on any subject. That might shock you. We had our own code of communication. I knew where he wanted to go on Poland. And that was to take it to its nth possibilities. The President and Casey and I discussed the situation on the ground in Poland constantly: covert operations; who was doing what, where, why and how; and the chances of success.'' According to Clark, he and Casey directed that the President's daily brief—the PDB, an intelligence summary prepared by the CIA—include a special supplement on secret operations and analysis in Poland.

The Pope himself, not only his deputies, met with American officials to assess events in Poland and the effectiveness of American actions and sent back messages—sometimes by letter, sometimes orally—to Reagan. On almost all his trips to Europe and the Middle East, Casey flew first to Rome, so that he could meet with John Paul II and exchange information. But the principal emissary between Washington and Rome remained Walters, a former deputy director of the CIA who worked easily with Casey. Walters met with the Pope perhaps a dozen times, according to Vatican sources. ''Walters was sent to and from the Vatican for the specific purpose of carrying messages between the Pope and the President,'' says former U.S. Ambassador to the Vatican Wilson. ''It wasn't supposed to be known that Walters was there. It wasn't all specifically geared to Poland; sometimes there were also discussions about Central America or the hostages in Lebanon.''

Often in the Reagan years, American covert operations (including those in Afghanistan, Nicaragua and Angola) involved ''lethal assistance'' to insurgent forces: arms, mercenaries, military advisers and explosives. In Poland the Pope, the President and Casey embarked on the opposite path: ''What they had to do was let the natural forces already in place play this out and not get their fingerprints on it,'' explains a analyst. What emerges from the Reagan-Casey collaboration is a carefully calibrated operation whose scope was modest compared with other CIA activities. ''If Casey were around now, he'd be having some smiles,'' observes one of his reluctant admirers. ''In 1991 Reagan and Casey got the reordering of the world that they wanted.''

THE SECRET DIRECTIVE

Less than three weeks before his meeting with the Pope in 1982, the President signed a secret national-security-decision directive (NSDD 32) that authorized a range of economic, diplomatic and covert measures to ''neutralize efforts of the U.S.S.R.'' to maintain its hold on Eastern Europe. In practical terms, the most important covert operations undertaken were those inside Poland. The primary purposes of NSDD 32 were to destabilize the Polish government through covert operations involving propaganda and organizational aid to Solidarity; the promotion of human rights, particularly those related to the right of worship and the Catholic Church; economic pressure; and diplomatic isolation of the communist regime. The document, citing the need to defend democratic reform efforts throughout the Soviet empire, also called for increasing propaganda and underground broadcasting operations in Eastern Europe, actions that Reagan's aides and dissidents in Eastern Europe believe were particularly helpful in chipping away at the notion of Soviet invincibility.

As Republican Congressman Henry Hyde, a member of the House Intelligence Committee from 1985 to 1990, who was apprised of some of the Administration's covert actions, observes, ''In Poland we did all of the things that are done in countries where you want to destabilize a communist government and strengthen resistance to that. We provided the supplies and technical assistance in terms of clandestine newspapers, broadcasting, propaganda, money, organizational help and advice. And working outward from Poland, the same kind of resistance was organized in the other communist countries of Europe.''

Among those who played a consulting role was Zbigniew Brzezinski, a native of Poland and President Jimmy Carter's National Security Adviser. ''I got along very well with Casey,'' recalls Brzezinski. ''He was very flexible and very imaginative and not very bureaucratic; if something needed to be done, it was done. To sustain an underground effort takes a lot in terms of supplies, networks, etc., and this is why Solidarity wasn't crushed.''

On military questions, American intelligence was better than the Vatican's, but the church excelled in its evaluations of the political situation. And in understanding the mood of the people and communicating with the Solidarity leadership, the church was in an incomparable position. ''Our information about Poland was very well founded because the bishops were in continual contact with the Holy See and Solidarnosc,'' explains Cardinal Silvestrini, the Vatican's deputy secretary of state at that time. ''They informed us about prisoners, about the activities and needs of Solidarity groups and about the attitude and schisms in the government.'' All this information was communicated to the President or Casey.

''If you study the situation of Solidarity, you see they acted very cleverly, without pressing too much at the crucial moments, because they had guidance from the church,'' says one of the Pope's closest aides. ''Yes, there were times we restrained Solidarnosc. But Poland was a bomb that could explode—in the heart of communism, bordered by the Soviet Union, Czechoslovakia and East Germany. Too much pressure, and the bomb would go off.''

CASEY'S CAPPUCCINO

Meanwhile, in Washington a close relationship developed between Casey, Clark and Archbishop Laghi. ''Casey and I dropped into his [Laghi's] residence early mornings during critical times to gather his comments and counsel,'' says Clark. ''We'd have breakfast and coffee and discuss what was being done in Poland. I'd speak to him frequently on the phone, and he would be in touch with the Pope.'' Says Laghi: ''They liked good cappuccino. Occasionally we might talk about Central America or the church position on birth control. But usually the subject was Poland.''

''Almost everything having to do with Poland was handled outside of normal State Department channels and would go through Casey and Clark,'' says Robert McFarlane, who served as a deputy to both Clark and Haig and later as National Security Adviser to the President. ''I knew that they were meeting with Pio Laghi, and that Pio Laghi had been to see the President, but Clark would never tell me what the substance of the discussions was.''

On at least six occasions Laghi came to the White House and met with Clark or the President; each time, he entered the White House through the southwest gate in order to avoid reports. ''By keeping in such close touch, we did not cross lines,'' says Laghi. ''My role was primarily to facilitate meetings between Walters and the Holy Father. The Holy Father knew his people. It was a very complex situation—how to insist on human rights, on religious freedom, and keep Solidarity alive without provoking the communist authorities further. But I told Vernon, 'Listen to the Holy Father. We have 2,000 years' experience at this.' ''

Though William Casey has been vilified for aspects of his tenure as CIA chief, there is no criticism of his instincts on Poland. ''Basically, he had a quiet confidence that the communists couldn't hold on, especially in Poland,'' says former Congressman Edward Derwinski, a Polish-speaking expert on Eastern Europe who counseled the Administration and met with Casey frequently. ''He was convinced the system was falling and doomed to collapse one way or another—and Poland was the force that would lead to the dam breaking. He demanded a constant [CIA] focus on Eastern Europe. It wasn't noticed, because other stories were more controversial and were perking at the moment—Nicaragua and Salvador.''

In Poland, Casey conducted the kind of old-style operation that he relished, something he might have done in his days at the Office of Strategic Services during World War II or in the early years of the CIA, when the democracies of Western Europe rose from the ashes of World War II. It was through Casey's contacts, his associates say, that elements of the Socialist International were organized on behalf of Solidarity—just as the

Social Democratic parties of Western Europe had been used as an instrument of American policy by the CIA in helping to create anticommunist governments after the war. And this time the objective was akin to creating a Christian Democratic majority in Poland—with the church and the overwhelmingly Catholic membership of Solidarity as the dominant political force in a post communist Poland. Through his contacts with leaders of the Socialist International, including officials of socialist governments in France and Sweden, Casey ensured that tactical assistance was available on the continent and at sea to move goods into Poland. ''This wasn't about spending huge amounts of money,'' says Brzezinski. ''It was about getting the message out and resisting: books, communications equipment, propaganda, ink and printing presses.''

LOOK FOR THE UNION LABEL

In almost every city and town, underground newspapers and mimeographed bulletins appeared, challenging the state-controlled media. The church published its own newspapers. Solidarity missives, photocopied and mimeographed on American-supplied equipment, were tacked to church bulletin boards. Stenciled posters were boldly posted on police stations and government buildings and even on entrances to the state-controlled television center, where army officers broadcast the news.

The American embassy in Warsaw became the pivotal CIA station in the communist world and, by all accounts, the most effective. Meanwhile, the AFL–CIO, which had been the largest source of American support for Solidarity before martial law, regarded the Reagan Administration's approach as too slow and insufficiently confrontational with the Polish authorities. Nonetheless, according to intelligence sources, AFL–CIO president Lane Kirkland and his aide Tom Kahn consulted frequently with Poindexter, Clark and other officials at the State Department and the NSC on such matters as how and when to move goods and supplies into Poland, identifying cities where Solidarity was in particular need of organizing assistance, and examining how Solidarity and the AFL–CIO might collaborate in the preparation of propaganda materials.

''Lane Kirkland deserves special credit,'' observes Derwinski. ''They don't like to admit [it], but they literally were in lockstep [with the Administration]. Also never forget that Bill Clark's wife is Czechoslovak, as is Lane Kirkland's wife. This is one issue where everybody was aboard; there were no turf fights or mavericks or naysayers.''

But AFL–CIO officials were never aware of the extent of clandestine U.S. assistance, or the Administration's reliance on the church for guidance regarding how hard to push Polish and Soviet authorities. Casey was wary of ''contaminating'' the American and European labor movements by giving them too many details of the Administration's efforts. And indeed this was not strictly a CIA operation. Rather, it was a blend of covert and overt, public policy and secret alliances. Casey recognized that in many instances the AFL–CIO was more imaginative than his own operatives in providing organizational assistance to Solidarity and smuggling equipment into the country. According to former deputy CIA director Inman, Casey decided that the American labor movement's relationship with Solidarity was so good that much of what the CIA needed could be financed and obtained through AFL–CIO channels. ''Financial support wasn't what they needed,'' says Inman. ''It was organization, and that was an infinitely better way to help them than through classic covert operations.''

The Solidarity office in Brussels became an international clearinghouse: for representatives of the Vatican, for CIA operatives, for the AFL–CIO, for representatives of the Socialist International, for the congressionally funded National Endowment for Democracy, which also worked closely with Casey. It was the place where Solidarity told its backers—some of whose real identities were unknown to Solidarity itself—what it needed, where goods and supplies and organizers could be most useful. Priests, couriers, labor organizers and intelligence operatives moved in and out of Poland with requests for aid and with detailed information on the situation inside the government and the underground. Food and clothing and money to pay fines of Solidarity leaders who were brought before Polish courts poured into the country. Inside Poland, a network of priests carried messages back and forth between the churches where many of Solidarity's leaders were in hiding.

In the summer of 1984, when the sanctions against Poland seemed to be hurting ordinary Poles and not the communists, Laghi traveled to Santa Barbara to meet with Reagan at the Western White House and urge that some of the sanctions be lifted. The Administration complied. At the same time, the White House, in close consultation with the Vatican, refused to ease its economic pressures on Moscow—denying technology, food and cultural exchanges as the price for continuing oppression in Poland.

Much of the equipment destined for Solidarity arrived in Poland by ship—often packed in mismarked containers sent from Denmark and Sweden, then unloaded at Gdansk and other ports by dockers secretly working with Solidarity. According to Administration officials, the socialist government of Sweden—and Swedish labor unions—played a crucial role in arranging the transshipment of goods to Poland. From the Polish docks, equipment moved to its destination in trucks and private cars driven by Solidarity sympathizers who often used churches and priests as their point of contact for deliveries and pickups.

''SOLIDARITY LIVES!''

''The Administration plugged into the church across the board,'' observes Derwinski, now Secretary of Veterans Affairs. ''Not just through the church hierarchy but through individual churches and bishops. Monsignor Bronislaw Dabrowski, a deputy to Cardinal Glemp, came to use often to tell us what was needed: he would meet with me, with Casey, the NSC and sometimes with Walters.'' John Cardinal Krol of Philadelphia, whose father was born in Poland, was the American churchman closest to the Pope. He frequently met with Casey to discuss support for Solidarity and covert operations, according to CIA sources and Derwinski. ''Krol hit it off very well with President Reagan and was a source of constant advice and contact,'' says Derwinski. ''Often he was the one Casey or Clark went to, the one who really understood the situation.''

By 1985 it was apparent that the Polish government's campaign to suppress Solidarity had failed. According to a report by Adrian Karatnycky, who helped organize the AFL–CIO's assistance to Solidarity, there were more than 400 underground periodicals appearing in Poland, some with a circulation that exceeded 30,000. Books and pamphlets challenging the authority of the communist government were printed by the thousands. Comic books for children recast Polish fables and legends, with Jaruzelski pictured as the villain, communism as the red dragon and Walesa as the heroic knight. In church basements and homes, millions of viewers watched documentary videos produced and screened on the equipment smuggled into the country.

With clandestine broadcasting equipment supplied by the CIA and the AFL–CIO, Solidarity regularly broke into the government's radio programming, often with the message ''Solidarity lives!'' or ''Resist!'' Armed with a transmitter supplied by the CIA through church channels, Solidarity interrupted television programming with both audio and visual messages, including calls for strikes and demonstrations. ''There was a great moment at the half time of the national soccer championship,'' says a Vatican official. ''Just as the whistle sounded for the half, a Solidarity Lives! banner went up on the screen and a tape came on calling for resistance. What was particularly ingenious was waiting for the half-time break; had the interruption come during actual soccer play, it could have alienated people.'' As Brzezinski sums it up, ''This was the first time that communist police suppression didn't succeed.''

''Nobody believed the collapse of communism would happen this fast or on this timetable,'' says a cardinal who is one of the Pope's closest aides. ''But in their first meeting, the holy Father and the President committed themselves and the institutions of the church and America to such a goal. And from that day, the focus was to bring it about in Poland.''

Step by reluctant step, the Soviets and the communist government of Poland bowed to the moral, economic and political pressure imposed by the Pope and the President. Jails were emptied, Walesa's trial on charges of slandering state officials was abandoned, the Polish communist party turned fratricidal, and the country's economy collapsed in a haze of strikes and demonstrations and sanctions.

On Feb. 19, 1987, after Warsaw had pledged to open a dialogue with the church, Reagan lifted U.S. sanctions. Four months later, Pope John Paul II was cheered by millions of his countrymen as he traveled across Poland demanding human rights and praising Solidarity. In July 1988, Gorbachev visited Warsaw and signaled Moscow's recognition that the government could not rule without Solidarity's cooperation. On April 5, 1989, the two sides signed agreements legalizing Solidarity and calling for open parliamentary elections in June. In December 1990, nine years after he was arrested and his labor union banned, Lech Walesa became President of Poland.

[Correction (Apr. 27, 1992): A short article accompanying our report on the cooperative effort of President Reagan and Pope John Paul II to assist Poland's Solidarity movement [Cover, Feb. 24] incorrectly stated the U.S. position on financial aid for family planning in foreign countries. The U.S. announced in 1984 that it would withhold funds for abortion or coerced birth control—but not for all family planning.]

[From the Policy Review, 1992 Winter]

THE COLD WAR'S MAGNIFICENT SEVEN; POPE JOHN PAUL II; AWAKENER OF THE EAST

(By Fr. Robert A. Sirico)

The victory of the Free World in the Cold War ranks with the victory of the Allies in World War II, the landing on the moon, and the spectacular advances in health and prosperity around most of the world as the most important achievement of mankind in this century. There were countless heroes in the defeat of Communism—among them the people of the former Soviet empire whose indomitable spirit ultimately triumphed over their enslavers, and the taxpayers of the Western alliance who spent trillions of dollars over more than 40 years to protect their

countries and civilization from the Soviet threat. The West was also blessed by extraordinary leaders and moral voices who defined the nature of the conflict, galvanized the popular will to resist Communism, and created the institutions that led to eventual victory. Policy Review pays tribute here to seven of those leaders whose words and deeds were essential for the wonderful events of the last few years.

It was a nervous clique of geriatric Stalinists who watched from Moscow in 1979 as millions of Poles poured into the streets of Krakow to greet their native son Karol Wojtyla when he returned to them as Pope John Paul II. A political awareness dawned among these teeming masses when they saw in one another's boldness the impotence of the dictatorship that claimed dominance over their lives.

Nor were the only witnesses to these events Politburo members and Poles. Lithuanians and Ukrainians, Hungarians and Czechoslovakians also witnessed with astonishment the unfurling of Solidarity banners in a Communist nation.

Perhaps it was not so astonishing to the new pope. As a young boy Wojtyla used to pause for a few moments following Mass to offer a series of prayers ''for the conversion of Russia.''

From the outset, Wojtyla was a robust, intense, strong, and disciplined young man. His charismatic personality was augmented by his facility with languages and further honed by theatrical training. His combination of fervent piety and firm anti-Communism would serve him well in his future as priest, bishop, and cardinal in Poland. In a country that is itself 93 percent Roman Catholic, such a profession would necessitate dealing with Russia's surrogates, sometimes making strategic accommodations, without yielding the moral ground to Communism.

John Paul comprehended the dynamics of Marxism both intellectually and personally. He knew Communism well, so well that some left-wing theologians initially mistook his familiarity with Marxism for sympathy. They hoped he would lead a new and enriched dialogue between Christianity and Marxism. Instead, by virtue of his philosophical and theological training, he was equipped both to refute Marxism's logical errors, and also to offer a more compelling alternative in its place.

As leader of the largest Christian religion, John Paul is also the leader of a vast enterprise, joined by thousands of subsidiary organizations. These are linked by a common set of beliefs and symbols, enabling the transcendence of the usual barriers of language, culture, and geographic border. This expansive umbrella enabled him, through gesture, encyclical, and homily, to inspire millions of people living under regimes that violated their ability to work for authentic liberty.

MORAL CONFLICT

During his pontificate, two other figures stepped onto the world stage and occupied with him critical roles in the momentous events that would unfold. A year after John Paul assumed his place at the Vatican in 1978, Margaret Thatcher came to occupy 10 Downing Street. About a year and a half later, Ronald Reagan took up residency in the White House.

The common thread between John Paul, Thatcher, and Reagan is that while they appreciated the art of politics, they understood the global situation in fundamentally moral categories. They understood, as few world leaders have understood, that the argument in favor of freedom is a moral argument as well as a political and economic one. Without the moral dimension, the battles that these cold warriors waged would have been meaningless and uninspiring.

The compelling dignity and moral depth of John Paul is especially highlighted when he contrasted with the leaders of another international religious body, and their posture toward the dictatorships of Eastern Europe. I speak here, of course, of the World Council of Churches. Almost from its inception, and throughout the past 40 years, the socialist penchants of the WCC prevented it from offering any kind of principled opposition to the immorality of Communism.

''Liberation'' was the central theme of the WCC's Nairobi Assembly in 1975. South Africa was denounced alongside ''white Atlantic nations''; the rights of aborigines in Australia were defended even as the plight of migrant workers in Europe was decried.

Yet a motion to include in this litany of injustice a mention of religious repression in Russia was turned back. Instead, the assembly would only acknowledge that it ''devoted a substantial period of discussion to the alleged denials of religious liberty in the USSR'' [emphasis added].

While the officers of the WCC were funding Marxist guerrillas in Africa in the name of ''liberation,'' John Paul was teaching the polish under ground in the effective use of nonviolent resistance to totalitarianism. He did this in his writings, as well as in the numerous meetings and audiences he held with leaders of the underground.

No doubt historians who write on this period in years to come will not only see the moral dimension, but also the superb tactical insight of the use of nonviolence. Too aggressive a stance on the part of the Polish underground and the Soviet Union might have cracked down at a much earlier and more vulnerable stage. Drawing on a tradition accustomed to martyrs, whose blood, it is said, is the seed of the Roman Catholic Church, prayer and determination in the face of persecution resulted in one of the most radical yet bloodless revolutions in world history.

SPIRIT OF LIBERTY

If there is one word to characterize the legacy John Paul will leave to history, perhaps that word is liberty.

Historians will undoubtedly note the amazing move in the Catholic world toward democratic political processes and free economies in the period of this pope's reign. This is clearly evident in Latin America where the Pope has confronted unjust regimes of every stripe.

How fitting, then, that John Paul, this priest from Poland who lived under what is arguably history's most immoral and destructive political system, should have been the one to write the epitaph for collectivism in its Communist, socialist, and welfare statist incarnations. This he has done in the form of his most recent social encyclical, Centesimus Annus (''The Hundredth Year'').

Celebrating the centenary of Pope Leo XIII's pastoral letter Rerum Navarum, Centesimus Annus looks at the events of this age and envisions a world where government is strictly limited and based on the rule of law; where free people trade in free markets to produce a more prosperous economy for all the world's needy; and where the social system is rooted in moral and religious tradition.

It will be interesting to see whether this moral vision will have greater impact on the West or on the former republics of the Soviet empire that John Paul did so much to free.

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the distinguished Chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentlewoman for yielding me time. I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for sponsoring this very important resolution and for his eloquent remarks just made on behalf of the Pope.

Mr. Speaker, I rise in strong support of the Sensenbrenner resolution urging the President on behalf of people of the United States to present the Presidential Medal of Freedom to Pope John Paul II, who in his 25 years as leader of the Catholic Church, has become pastor to the world, boldly proclaiming the gospel, the good news of Jesus Christ, and its message of love, hope and reconciliation.

The Holy Father walks the path to peace that surpasses understanding, the road that leads to heaven. Even at age 83 and struggling with various health ailments, including Parkinsons disease, the Pope's charisma and steadfast faith shine brightly, giving hope to millions of people of all faiths.

Mr. Speaker, as we know, during his pontificate the Holy Father has visited over 125 different countries, several more than once, proclaiming the good news to millions and has been seen by more people than anyone in human history.

In what is believed to be the largest gathering ever, he spoke before an estimated 6 million people at a mass at World Youth Day in the Philippines in 1995.

Pope John Paul II is truly a world leader and has been an unparalleled champion of those who cannot speak for themselves, the poor, the disenfranchised, unborn children, the disabled, even those condemned to death and those whose basic rights as children of God are trampled upon by oppressive regimes.

Mr. Speaker, it has been noted that years before he was Pope when he was teaching at a university in Poland as a young priest, a communist student launched an aggressive attack against religion during class. The student, an avowed atheist, was so filled with rage, his fellow students feared that the young priest, then known as Karol Wojtyla, would lose his temper and kick the student out of class. Instead, Father Wojtyla had listened to the student before calmly and thoroughly refuting his argument point by point. After class the two had a conversation that began a dialogue. The student would later say that helped him greatly when confronting atheist communists after he converted to Catholicism and after he himself became a priest.

Mr. Speaker, it is worth recalling that Pope John Paul II's first words as Pope to the world included the message, ''Do not be afraid.''

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This message was part of an unrelenting crusade against the forces of

atheistic communism that was instrumental in its collapse. No one, Mr. Speaker, can dispute that John Paul II's historic visit to Poland in 1979 inspired the creation of the solidarity movement with its great leader Lech Walesa in the midst of unspeakable turmoil and personal risk. Remember, this Pope was shot, and he actually, after he was shot, and he was actually we believe saved miraculously, went to the jail cell of his would-be assassin to forgive that man for the crime he attempted and for the pain and suffering that he visited upon the Pope. Despite all of those personal risks, Pope John Paul II was, during those terrible years, and is the brave voice of reason, candor and hope. Even Mikhail Gorbachev admitted that the sweeping changes in Eastern Europe and in the Soviet Union itself would not have occurred had it not been for this Pope.

Today, the Pope continues to preach, Mr. Speaker, the message of life, hope and love amid the oppressive tide of the culture of death. His teachings not only inspire the faithful today but will continue to have an impact long after his work on earth is complete.

Many of his most profound messages are contained in 13 incisive encyclicals, including Evangelium Vitae, ''The Gospel of Life,'' which reminds all of us, especially those in public service, that the gift of human life is so precious, so full of dignity, that it must remain inviolable and be defended against all means of violence.

The Pope writes in that very important document that, ''This is what is happening at the level of politics and government,'' and I quote him, ''the original and inalienable right to life is questioned or denied on the basis of a parliamentary vote or the will of one part of the people, even if it is the majority. This is the sinister result of relativism which reigns unopposed, the right ceases to be such, because it is no longer firmly founded on the inviolable dignity of the person, but is made subject to the will of the stronger part.''

Elsewhere, Mr. Speaker, in Evangelium Vitae, Pope John Paul II states in unambiguous terms that, ''Abortion and euthanasia are crimes which no human law can claim to legitimize. There is no obligation in conscience to obey such laws,'' he writes and said, ''There is a grave and clear obligation to oppose them by conscientious objection. In the case of intrinsically unjust law,'' he continues, ''such as a law permitting abortion or euthanasia, it is therefore never licit to obey it or to take part in a propaganda campaign in favor of such a law, or to vote for it.''

Finally, Mr. Speaker, just let me say this. My dear wife Marie and I have had the awesome privilege of meeting the Holy Father on two occasions, and we were awed. We were deeply struck by his innate goodness, the clarity that we see in his eyes, the love that he emanates and by his gentleness. When we were in Newark, New Jersey, at the cathedral there when he came during one of his visits to the U.S., and we happened to be there as a family. He walked over to my youngest daughter Elyse, gave her a big nice kiss on the top of the head, and we could just see the compassion of this man in his eyes and in his gestures and in his heart. We were also even faces in the crowd in 1979 at New York's Shea Stadium when he came in on his first trip and again were inspired by this good man.

Mr. Speaker, we have been on numerous occasions and I think many Members, House and Senate, Democrats, Republicans, it does not matter, have all been touched by his care and his compassion for others, a man that is so completely rooted in God. We have been touched by his devotion to the Blessed Mother. He is a man who in word and deed unselfishly cares for the least of our brethren.

John Paul II is truly the vicar of Christ on earth, a man who has and continues to be faithfully and courageously walking in the shoes of the fisherman, Saint Peter.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I have no other speakers. I commend the distinguished chairman of the Committee on the Judiciary for introducing this significant resolution. I urge all Members to support the adoption of H. Con. Res. 313.

Mr. DINGELL. Mr. Speaker, I rise in full support of this resolution, H. Con. Res. 313, urging President Bush to present the Presidential medal of Freedom to Pope John Paul II.

Mr. Speaker, Pope John Paul II is a leader who has truly made this world a better place to live. His dedication and devotion to religious freedom for all people aided in bringing about a peaceful end to communism in Eastern Europe. His courage to defy the Nazis during World War II not only helped preserve Poland, but kept the flame of hope alive to all free people during those dark years.

He stood up when the tyranny of Soviet Communism darkened Eastern Europe, and helped ignite the spark of revolution by his visit to Poland in June 1979. His insistence on the dignity of the human spirit, and the call for religious freedom as the first of human rights, aided all Poles in their crusade against their Communist oppressors.

Mr. Speaker, he not only inspired millions suffering under communism, but he also inspired millions more when, just four days after an assassination attempt he said, ''Pray for the brother who shot me, whom I have sincerely forgiven.''

He is a rare individual. He is someone who has truly changed the world. His papacy has affected not only Catholics, but also Jews, Muslims, Hindus, Buddhists, and all others who value freedom over oppression. Citizens of the world owe a debt of gratitude to Pope John Paul II.

Mr. Speaker, I rise to congratulate him in celebration of his Silver Jubilee. I call upon my colleagues to vote for this resolution and call on the President to honor Pope John Paul II with the Presidential Medal of Freedom.

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Concurrent Resolution 313, urging the President to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church. I want to thank Mr. SENSENBRENNER for his leadership on this bill.

The Presidential Medal of Freedom is our nation's highest civilian award, recognizing exceptional meritorious contribution to world peace. His Holiness, Pope John Paul II is more than deserving of this award.

Throughout his life and his ministry, he has stood firm in his belief of the inalienable right and dignity of the human person and has been unafraid to shape world events, speak for peace and advocate for human rights.

From his early years during the Nazi occupation of Poland where he risked his life to protect Polish Jews from persecution to his forgiveness of his would-be assassin, he has led by example.

His steadfast support of the Solidarity movement in his homeland of Poland provided hope and encouragement to the Polish people and led to peaceful government reforms that precipitated the collapse of communism in Poland and the eventual fall of the Soviet Union bringing freedom to millions of people.

As these events were unfolding in Eastern Europe, Pope John Paul II was also reaching out to other parts of the world, proclaiming belief in the inalienable right and dignity of the human person and using his influence to bring about change.

Through his efforts, he has helped to reduce tensions between world leaders, reducing conventional and nuclear weapons and averting a nuclear war.

He has sought to heal divisions across the different faith traditions, promoting reconciliation and dialogue between members to further understanding and respect for all people.

He has traveled over the world bringing hope and encouragement to the millions still oppressed by tyranny, hunger, disease and despair.

Despite his ailing health, he continues to lead with strength of conviction as a champion of freedom and peace. Through the many challenges that has faced the Catholic Church and the world, Pope John Paul II has been the rock of the Catholic Church, a model for all people.

On behalf of the people of Guam, I fully support House Concurrent Resolution 313 and urge its unanimous passage.

Mr. VISCLOSKY. Mr. Speaker, I rise today in support of H. Con. Res. 313, a measure urging the President to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his contributions to the causes of freedom, human dignity, and peace, and to commemorate the Silver Jubilee of his inauguration as Bishop of Rome and Supreme Pastor of the Catholic Church. It is with great honor and esteem that I stand here today to pay tribute to Pope John Paul II. The leadership he has displayed during his 25-year tenure as Supreme Pastor of the Roman Catholic Church has helped to shape our moral conscience. His fight to end human rights abuses and his opposition to communism not only influenced the Catholic community, but the world community.

Born Karol Jozef Wojtyla, Jr. in 1920, Pope John Paul II was the second son of Karol Wojtyla, Sr. and Emilia Kaczorwoska Wojtyla. Karol, Sr. was a retired officer for the Polish Army as well as a tailor, and Emilia was a schoolteacher. Pope John Paul II repeatedly demonstrated his unique ability to form friendships that crossed the social norms of the time. Although his hometown of Wadowice, Poland was wrought with anti-Semitism, Pope John Paul II and his family did not share in that hatred. At an early age, His Holiness befriended several members of the Jewish community and learned the importance of compassion and understanding. He later became the first Pope to visit a synagogue and the first to visit a memorial in nearby Auschwitz honoring victims of the Holocaust.

Shortly after his father's death in 1941, Pope John Paul II attended an underground seminary in Krakow, where he was eventually ordained in 1946. He served as a chaplain to university students at St. Florian's Church in Krakow until the communist government abolished the theology department in 1954. He continued his studies at the Seminary of Krakow and was hired as a professor at the Catholic University of Lublin, where he founded and operated a facility to assist families with marital problems, ranging from family planning to alcoholism and physical abuse. In 1956, Pope John Paul II was appointed to the Chair of Ethics at Catholic University, and in 1958 he was named the auxiliary bishop of Krakow. He was instrumental to the Vatican Council II deliberations in 1962, which encouraged diversity in language and practice of the Catholic faith in order to facilitate the inclusion of laymen in worship while also condemning anti-Semitism around the world. His respect throughout the Catholic community led to his election as Pope after the death of Pope John Paul I in September 1978, making him the first Slavic Pope in history.

Less than a year after being named Pope, John Paul II returned to his native Poland and spoke out in favor of the Polish Solidarity movement and against communism. His insistence that no system of government override religious beliefs gave hope to people of faith throughout the former Soviet Union that reforms would take place. The courage and determination that he displayed in opposition to a world power reflected the strength of his convictions and his willingness to stand up to an institutional force that challenged the beliefs of the church. Pope John Paul II repeated this theme when he visited Cuba in January 2003, stating that a government does not the authority to legislate religious beliefs.

Mr. Speaker, during his 25 years as pontiff, Pope John Paul II has spread the Catholic faith with visits to over 115 countries. His gift for uniting those of different beliefs earned him Man of the Year honors from Time Magazine in 1994, and his popularity among both Catholics and non-Catholics around the world is a testament to his genuine love for humanity. As a graduate of St. Mark's Catholic School in Gary, Indiana, I am well aware of the significant role that he has played in leading the Catholic Church into the 21st century. His teaching of tolerance and love for thy neighbor has made him worthy of the Presidential Medal of Freedom, and that is why I intend to support H. Con. Res. 313.

Mr. HYDE. Mr. Speaker, I am honored to join my friend from Wisconsin in urging the President to present the Presidential Medal of Freedom to Pope John Paul II, who has marked his Silver Jubilee as the spiritual leader of more than one billion Catholics around the world.

The Presidential Medal of Freedom is considered the highest civilian award of the United States Government. It was established to recognize persons who have made especially meritorious contributions to the security or national interests of the United States; to world peace; or to cultural or other significant public or private endeavors. Recipients have included educators, diplomats, authors, scientists and religious leaders.

By bestowing this great honor upon Pope John Paul II, we recognize His Holiness' lifetime dedication to peace, hope, freedom, unity and dignity. No one is more deserving of this award of special distinction which symbolizes the lasting admiration of the American people for the Pope's many efforts.

This man was formed at a remarkable time in human history. He knew the persecution of oppression and witnessed the false ideologies of the 20th Century. He studied for the priesthood in secrecy and lived through the Nazi occupation and Communist subjugation of his native Poland. He was a philosopher, theologian and pastor. He was instrumental in the demise of the Communist regime in Poland, and he played an important role in the collapse of Communism throughout central and eastern Europe, which ended the Cold War.

The Holy Father has continued to promote freedom and peace throughout the world during his pontificate. He has truly internationalized the Catholic Church, and yet he has also reached out in an unprecedented way to peoples of other beliefs and religions all over the world through his promotion of greater understanding, healing, and harmony between religions. His Holiness has particularly promoted unity among Christian churches, reconciliation with the Jewish people, and dialogue with Islam. The Holy Father was the first Pope to visit a synagogue, as well as the first to visit a mosque.

I consider it an honor to be able to ask my Congressional colleagues to join me in paying tribute to this devoted spiritual leader and to celebrate with the Holy Father this Jubilee by urging the President to bestow the Medal of Freedom upon His Holiness, Pope John Paul II.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 313.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NEW BRIDGE LANDING POST OFFICE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2130) to redesignate the facility of the United States Postal Service located at 650 Kinderkamack Road in River Edge, New Jersey, as the ''New Bridge Landing Post Office,'' as amended.

The Clerk read as follows:

H.R. 2130

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

SECTION 1. NEW BRIDGE LANDING POST OFFICE.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, and known as the North Hackensack Station Post Office, shall be known and designated as the ''New Bridge Landing Post Office''.

(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 New Bridge Landing Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. 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 gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

''These are the times that try men's souls.'' Mr. Speaker, political theorist Thomas Paine uttered these famous words during the cold of November 1776. When the American Revolution commenced, the colonial freedom fighters battled the mighty British forces while barefoot and often wearing little more than blankets and torn clothing. The early days of the war featured humiliating, devastating losses for the overwhelmed Colonial Army.

On November 20, 1776, General George Washington led his troops in a retreat over the Hackensack River across the New Bridge Landing. Once they reached safety, General Washington and his men set up the first headquarters of the new Continental Army at New Bridge. Thomas Paine was inspired to write the first essays of the American Crisis near the New Bridge landing site, intended to rally Americans during the first days of our Nation. The New Bridge landing provided General Washington's troops with an important chance to regroup. This gave Americans a small boost that led to the unlikely defeat of the Royal British Army and the independence for the brand new United States of America.

Mr. Speaker, this legislation, H.R. 2130, introduced by the gentleman from New Jersey (Mr. GARRETT) renames a post office in River Edge, New Jersey, as the New Bridge Landing Post Office

Building. This designation, on this historic site, will serve as an appropriate reminder of the struggle that Americans endured during the Revolutionary War.

Mr. Speaker, I applaud the gentleman from New Jersey for this legislation.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 2130, legislation naming a postal facility as the New Bridge Landing. H.R. 2130, which was introduced by the gentleman from New Jersey (Mr. GARRETT) on May 15, 2003, was unanimously approved by the Committee on Government Reform on November 6, 2003. This measure has the support and cosponsorship of the entire New Jersey congressional delegation.

According to preservation New Jersey, New Bridge Landing has great historical significance. The Landing, an inland port situated on a strategic site, was an important shipping point for hundreds of years and was the scene of many fights during the Revolutionary War. Other historic structures that helped make up New Bridge Landing are the Steuben House, a stone Dutch mansion built in 1750; a 19th century swinging bridge; a tidal mill site; and the site of New Bridge Landing, a river embarkation point. Three other buildings were moved to the site to save them from demolition: The Demerest House, the Westervelt Barn and the Campbell-Christie House.

According to the Bergen County Historical Society, throughout the war the New Bridge was considered an important, strategic route, guarded by troops from both sides at different times. George Washington's retreat across this bridge on November 20, 1776, saved his troops from entrapment by advancing troops.

Mr. Speaker, given the historic nature of New Bridge Landing, it seems quite appropriate to redesignate this postal facility in River Edge, New Jersey. I urge swift passage of this bill.

Mr. ROTHMAN. Mr. Speaker, I rise today in strong support of H.R. 2130, a bill to redesignate the United States Postal Service facility at 650 Kinderkamack Road in River Edge, NJ, as the New Bridge Landing Post Office.

As a life-long resident of New Jersey, a history buff, and the Congressman who formerly represented the Borough of River Edge for my first 6 years in Congress, I am delighted to be a cosponsor of legislation that will highlight the unique, strategic role that New Jersey, and specifically River Edge, played in the birth of our Nation and the Continental Army's success in the Revolutionary War. Renaming the River Edge postal facility—located just two blocks away from Historic New Bridge Landing—will help ensure that future generations will have a window into New Jersey's colonial life that was home to more Revolutionary War engagements than any other of the 13 original colonies.

New Bridge Landing has played a pivotal role in the development of River Edge since Native Americans first inhabited the area. During the Revolutionary War, GEN George Washington retreated from historic Fort Lee across New Bridge Landing, leading the unprecedented march of a ragtag band of volunteer soldiers and a committed people in pursuit of the timeless ideals of liberty, freedom, and equality that our Nation enjoys today. Its proximity to the Hackensack River later made it a hub for industrial development; it was used as both a tidal mill and bustling shipping point for iron.

Mr. Speaker, it is with great pride and gratitude for those revolutionary fighters that I ask all my colleagues to join me in support of H.R. 2130, so that future generations of New Jerseyans will remember what those heroic patriots accomplished at New Bridge Landing so long ago.

Mr. DAVIS of Illinois. Mr. Speaker, I do not believe I am going to have any additional requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no other speakers and I support H.R. 2130. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 2130, 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.

The title of the bill was amended so as to read: ''A bill to redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the 'New Bridge Landing Post Office'.''.

A motion to reconsider was laid on the table.

SENATOR JAMES B. PEARSON POST OFFICE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1718) to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the ''Senator James B. Pearson Post Office''.

The Clerk read as follows:

S. 1718

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

SECTION 1. SENATOR JAMES B. PEARSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, shall be known and designated as the ''Senator James B. Pearson Post Office''.

(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 Senator James B. Pearson Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. 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 gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today offered by the distinguished Senator from Kansas, Senator PAT ROBERTS, names this Prairie Village, Kansas, postal facility as the Senator James B. Pearson Post Office.

Senator James Pearson was born in Nashville, Tennessee, on May 7, 1920. At a young age, he moved with his family to Virginia and went on to attend Duke University. He bravely served as a pilot in the Naval Air Transport in 1943 during World War II. He was honorably discharged as a Lieutenant and returned home to graduate from the University of Virginia Law School in 1950.

Pearson moved back to Kansas and became a practicing lawyer in the town of Mission in 1950. Two years later, he became the assistant county attorney of Johnson County, and in two more years, in 1954, the county probate judge.

Pearson threw his hat into the political ring for the first time in 1956 when he earned a seat in the Kansas State Senate. On January 31, 1962, he was appointed to the United States Senate to fill the vacancy caused by the death of Senator Andrew Schoeppel. He was elected for the first time in a special election in November of that year and earned reelection in both 1966 and 1972, retiring in 1978. Senator James Pearson served his home State of Kansas and indeed the entire Nation with distinction, and he highly deserves the commemoration provided by this legislation.

Mr. Speaker, Senator James B. Pearson continues to live here in Washington, D.C., and outside Baldwin City, Kansas, and we wish him well.

In addition to the Senator from Kansas, I want to recognize the gentleman from Kansas (Mr. MOORE) who introduced the companion legislation here in the House, H.R. 3255, and I know both gentlemen worked together to ensure that James B. Pearson would be honored with this post office.

I am pleased that Senate bill 1718 will soon be on the President's desk for his signature.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of S. 1718, legislation naming a postal facility after Senator James B. Pearson.

S. 1718, which was introduced by Senator PAT ROBERTS on October 14, 2003, was unanimously approved by the Committee on Government Reform on November 6, 2003. The gentleman from Kansas (Mr. MOORE) is the sponsor of H.R. 3255, an identical version of S. 1718. H.R. 3255 has been cosponsored by the entire Kansas congressional delegation.

James Pearson was born in Nashville, Tennessee, and attended public schools in Virginia. He served as a pilot in the Navy during World War II, and after being discharged, he became an attorney and began practicing law in Mission, Kansas. He served in various legal positions before being appointed in 1962 as a Republican to the United States Senate to fill a vacancy caused by the death of Andrew Schoeppel.

Senator Pearson served in the Senate until 1978, working diligently as a senior member of the Foreign Relations Committee and ranking member of the Commerce, Science and Transportation Committee.

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Mr. Speaker, this is indeed an honorable act that we take in naming this postal facility. I would urge swift passage.

Mr. MOORE. Mr. Speaker, I am very pleased to rise today in support of S. 1718, legislation introduced by Senator PAT ROBERTS and cosponsored by Senator SAM BROWNBACK, that will designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, KS, as the Senator James B. Pearson Post Office Building.

Senator ROBERTS introduced this legislation following my introduction of an identical bill, H.R. 3255, with the cosponsorship of the entire Kansas House delegation Representatives JIM RYUN, TODD TIAHRT and JERRY MORAN. I commend them for joining in this bipartisan, all-Kansas effort.

Born in Nashville, Tennessee, Senator Pearson was the son of a Presbyterian minister. Raised in Virginia and educated in North Carolina, where he received a B.A. from Duke University in 1940, he fulfilled his military service requirement in Kansas, where he was a naval transport pilot during World War II, discharged with the rank of lieutenant. At the conclusion of this military service, he married a Kansan from Johnson County, to where they returned after he earned a law degree from the University of Virginia in 1950.

Following 2 years of private law practice in Mission, KS, Pearson served successively as assistant Johnson County attorney, Johnson County probate judge, and State senator. In 1960, he did not seek re-election to the State senate, serving instead as campaign manager for State Attorney General John Anderson's successful campaign for governor.

Appointed to the U.S. Senate in 1962 by Governor Anderson, upon the death of Andrew Schoeppel, James B. Pearson served our State with distinction from 1962 through 1978. Elected in 1962, and re-elected in 1966 and 1972, Senator Pearson was a workhorse, not a showhorse. A senior member of the Foreign Relations Committee, he also rose to become ranking Republican member of the Commerce, Science and Transportation Committee. Senator Pearson represented our State during an important and turbulent era, addressing issues that included the Vietnam War, the civil rights revolution, enactment of the Medicare and Medicaid programs, America's space exploration program and deregulation of the trucking and airline industries. Senator Pearson was a leader in these and other areas, offering legislation on farm credit, aviation development, and campaign finance reform.

Most importantly, though, Senator Pearson was a quiet voice of thoughtful analysis—something we could use more of in both the House and the Senate today. As he said of the Vietnam War in 1966: "On large issues and small, we cannot hold to irrevocable and unchanging positions. There is a constant need to look at every side of every issue."

Senator Pearson was a voice of reason and common sense during these difficult times and I am proud that his home during this Senate career was Prairie Village, which is located in the Third Congressional District of Kansas. Naming the Prairie Village Post Office after Senator James B. Pearson recognizes, in a small way, the important service he provided to Kansans for 16 years in the U.S. Senate.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the Senate bill, S. 1718.

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

A motion to reconsider was laid on the table.

RONALD REAGAN POST OFFICE BUILDING

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 867) to designate the facility of the United States Postal Service located at 710 Wicks Lane in Billings, Montana, as the "Ronald Reagan Post Office Building".

The Clerk read as follows:

S. 867

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

SECTION 1. DESIGNATION OF RONALD REAGAN POST OFFICE BUILDING.

(a) IN GENERAL.—The facility of the United States Postal Service located at 710 Wicks Lane in Billings, Montana, shall be known and designated as the "Ronald Reagan 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 Ronald Reagan Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 867, the Senate bill now under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us was introduced in the other body by Senator CONRAD BURNS of Montana. It names the post office in Billings, Montana, after our former President, Ronald Reagan.

What could be said of our 40th President that has not already been said? President Ronald Reagan led America through its longest recorded period of peacetime prosperity. Through his tax-cutting initiative, President Reagan was able to stimulate the economy and create jobs all while curbing inflation. He also secured an unthinkable comprehensive reform of the Tax Code, one that relieved millions of low-income Americans from paying income taxes and eliminated many exemptions for massive corporations.

Internationally, President Reagan strengthened our national defense during a tenuous time in world history. Largely due to his leadership and commitment to building up America's Armed Forces and defense technology, democracy defeated communism as the Cold War ended shortly after he left the White House. President Reagan succeeded because he viewed the Soviets not as people to be simply contained but people who executed a cruel system of government that needed to be crushed. America's success in the Cold War made the world a much safer place.

And who could forget the sad day when he was shot outside the Washington Hilton Hotel just months after being inaugurated in 1981. It reminded many of the 1960s, when our Nation tragically lost so many of our leaders to assassins' bullets. Gracefully, President Reagan pulled through, and the entire Nation rallied around the recovering President's wit and charm in the wake of this life-threatening attack.

Mr. Speaker, President Reagan is the only President ever to reach the age of 92 years. He continues to live in California today with his wife, the former First Lady, Nancy. On behalf of a grateful House of Representatives, I

wish President and Mrs. Reagan the very best.

Ronald Reagan is one of those figures in American history about whom it is very difficult to talk for only a short time. I will simply close by commending the distinguished Senator from Montana for his bill and giving this House the opportunity to remember the national leadership of President Ronald Reagan.

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, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of S. 867, legislation naming a postal facility after Ronald Reagan. S. 867, which was introduced by Senator CONRAD BURNS on April 10, 2003, was approved by voice vote in the Committee on Government Reform on July 10, 2003.

Ronald Reagan was the 40th President of the United States. He served as President from January 1981 to January 1989. At 73, he was the oldest man ever elected President. He was well-known as Dutch, the Gipper, and the Great Communicator. An actor by profession, President Reagan served as Governor of California from 1966 to 1974. During his Presidency, his economic policies came to be known as ''Reaganomics.''

In 1994, former President Reagan announced that he was afflicted with Alzheimer's. And although a number of facilities have been named after him, schools, streets, highways, a postal facility in West Melbourne, Florida, and even the Washington, D.C. National Airport, a crowning achievement was when President William Clinton dedicated the Ronald Reagan Building in 1998. That building, located in the District of Columbia, houses an international trade center, international cultural activities, the Agency for International Development, and many other entities.

Mr. Speaker, it is indeed appropriate that we remember those who have led our country, and naming this postal facility after former President Ronald Reagan fits that description. I would urge swift passage of this bill.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume and state again my strong support of Senate bill 867, which names a post office in Billings, Montana, after our illustrious President Ronald Reagan.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the Senate bill, S. 867.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT ALTHEA GIBSON BE RECOGNIZED FOR HER GROUNDBREAKING ACHIEVEMENTS IN ATHLETICS AND HER COMMITMENT TO ENDING RACIAL DISCRIMINATION AND PREJUDICE WITHIN THE WORLD OF SPORTS

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 69) expressing the sense of Congress that Althea Gibson should be recognized for her ground breaking achievements in athletics and her commitment to ending racial discrimination and prejudice within the world of sports.

The Clerk read as follows:

H. CON. RES. 69

Whereas Althea Gibson was born on August 25, 1927, and lived with her family in Harlem during the 1930's and 1940's;

Whereas Althea Gibson was first introduced to tennis on the Harlem River Tennis Courts and went on to dominate the all-black American Tennis Association tournaments throughout the early 1940's, when racism and segregation prevented her from participating in tournaments sponsored by the American Lawn Tennis Association;

Whereas Althea Gibson graduated from Florida A&M University in 1953, and was an athletic instructor at the Lincoln University in Jefferson City, Missouri;

Whereas Althea Gibson was the first African-American player, either male or female, to be allowed to enter the Forrest Hills, New York, Championship in 1950, after her talents and celebrity forced the American Lawn Tennis Association to reevaluate its policy;

Whereas Althea Gibson was the first African-American invited to Wimbledon in 1951, eventually winning both the women's singles and doubles in 1957, after which she was greeted by New York City with a ticker tape parade;

Whereas Althea Gibson was the first African-American woman to win the championship at the French Open, in 1956;

Whereas Althea Gibson after finishing her amateur tennis career became a professional golfer in 1959 and won the women's tennis professional singles in 1960;

Whereas Althea Gibson was Athletic Commissioner for the State of New Jersey from 1975 to 1977; and

Whereas Althea Gibson was inducted into the International Tennis Hall of Fame in 1971, and to the International Women's Sports Hall of Fame in 1980: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Althea Gibson should be recognized for her ground breaking athletic achievements and for continuing to serve as a role model for the Nation's youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 69, the concurrent resolution now under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 69 celebrates the remarkable life of Althea Gibson. She was the first African American player to compete at Wimbledon and the U.S. championships. She ultimately won both titles in 1957 and 1958, becoming the first African American to win both tournaments.

Mr. Speaker, more important than her victories has been her presence at these tournaments at which black players had never before competed. She is rightfully known as the ''Jackie Robinson of women's tennis,'' and her courage has had the same incredible impact on her sport that Jackie Robinson had on baseball.

As a young woman, she won 10 straight of the all-black American Tennis Association tournaments beginning in 1948. Her success led her to become quite a celebrity, and the public pressure finally forced the all-white American Lawn Tennis Association to invite her to compete at the U.S. championships in 1950. By the next year, in 1951, Wimbledon invited her to play. Well, not only did she play, Mr. Speaker, but she won both tournaments in 1957, and she won both again the next year. Her skill on the court and her class off the court during this difficult period in American history paved the way for future stars like Serena Williams, Venus Williams, James Blake, Zina Garrison, Arthur Ashe, and others to excel playing the game they love.

Mr. Speaker, this is truly a worthwhile resolution, and I commend the gentleman from New York for working with the Committee on Government Reform for bringing this resolution to the floor. I hope this resolution serves to honor Althea Gibson, for, as the resolution states, her groundbreaking athletic achievements, and for continuing to serve as a role model for the Nation's youth. Althea Gibson's athletic career and her courageous personality are vital threads in the fabric of our Nation's history, and I am pleased that the House is acting on this resolution that pays tribute to her tonight.

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, Althea Gibson overcame unbelievable odds to achieve international acclaim and success. Her journey from Harlem to Wimbledon reveals her strength of character and her

remarkable composure in the face of racial prejudice. She built the foundation on which Venus and Serena Williams and Tiger Woods now stand.

The life of Althea Gibson is much more than a story about a successful tennis champion. It is a story about education, opportunity, hope, perseverance, and the responsibility we all have for helping those who are less fortunate than ourselves.

Althea Gibson was born on August 25, 1927, in the small town of Silver, South Carolina. Her family moved to Harlem in New York City when she was 3. Her family was on welfare. She was a client of the Society for the Prevention of Cruelty to Children. She had trouble in school and was often truant. She ran away from home frequently.

Tennis, which first came to the United States in the late 19th century, by the middle of the 20th Century had become part of a culture of health and fitness. Public programs brought tennis to children in poor neighborhoods, though those children could not dream of playing in the elite tennis clubs.

Althea played paddle tennis in public recreation programs and became quite proficient. Musician Buddy Walker noticed her playing table tennis and took her to the Harlem River Tennis Courts, where she learned the game and excelled. By 1942, Gibson had won the girls' singles event at the American Tennis Association's New York State tournament, an all-black organization. She won again in 1944 and 1945.

In 1946, two tennis-playing doctors who were active in the black tennis community, Hubert Eaton of North Carolina and Robert Johnson of Virginia, took in Althea Gibson, Eaton during the school year and Johnson during the summer. Gibson, who had dropped out of high school, was made to finish high school and eventually graduated from Florida A&M University in 1953.

In 1950, when Gibson was 23 years old, she was permitted to play at the U.S. Nationals, becoming the first black to compete in the tournament. In 1956, Althea Gibson made history by becoming the first black person to win the French championships. The next year she made history by winning Wimbledon and the U.S. Nationals, the first black to win either. Althea won six out of a total of 11 Grand Slam events, including six doubles titles, on her way to the International Tennis Hall of Fame and the International Women's Sports Hall of Fame.

Althea Gibson is quoted as saying, ''I always wanted to be somebody. If I made it, it's half because I was game enough to take a lot of punishment along the way and half because there were a lot of people who cared enough to help me.''

Though Arthur Ashe and the Williams sisters have met their own challenges, Althea Gibson was the first black person of either sex to break the color barrier in national and international tournament tennis at a time when prejudice and racism were far more pervasive in society and in sports. Althea Gibson was not only somebody, she was someone special.

So we celebrate the life of Althea Gibson by ensuring that our policies and laws lift up and assist the less fortunate among us so that they too may fulfill their dreams and their potential as Althea Gibson did. I commend the gentleman from New York for introducing this legislation.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 69.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2045

EXPRESSING THE SENSE OF CONGRESS REGARDING THE IMPORTANCE OF MOTORSPORTS

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 320) expressing the sense of the Congress regarding the importance of motorsports.

The Clerk read as follows:

H. CON. RES. 320

Whereas on March 26, 1903, a century of motorsports was inaugurated at an automobile race held on a beach in Volusia County, Florida;

Whereas motorsports are now the fastest growing sports in the United States;

Whereas races are conducted at numerous motorsports facilities located in every State;

Whereas racing fans are able to enjoy a wide variety of motorsports sanctioned by organizations that include Championship Auto Racing Teams (CART), Grand American Road Racing (Grand Am), Indy Racing League (IRL), International Motor Sports Association (IMSA), National Association for Stock Car Automobile Racing (NASCAR), National Hot Rod Association (NHRA), Sports Car Club of America (SCCA), and United States Auto Club (USAC);

Whereas the research and development of vehicles used in motorsports competition directly contributes to improvements of safety and technology in automobiles and other motor vehicles used by millions of Americans;

Whereas 13,000,000 fans will attend NASCAR races alone in 2003;

Whereas fans of all ages spend a substantial amount of time at motorsports facilities participating in a variety of interactive theme and amusement activities surrounding the races;

Whereas motorsports facilities that provide these theme and amusement activities contribute millions of dollars to local and State economies as well as the national economy; and

Whereas tens of millions of Americans enjoy the excitement and speed of motorsports every week: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the importance of motorsports and its evolution over the past century and honors those who have helped create and build this great American pastime.

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Americans have loved speed since anyone can remember, and that is why I commend the gentleman from Florida (Mr. FEENEY) for introducing House Concurrent Resolution 320 that expresses the sense of the Congress regarding the importance of motorsports.

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

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

Mr. FEENEY. Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN), who is a great friend of mine, for yielding me this time.

House Concurrent Resolution 320 expresses the sense of Congress regarding the importance of motorsports in America. If we think about this, it is going to be a great 100-year centennial celebration. I also thank the gentleman from Florida (Mr. BOYD), who is my cosponsor on this resolution and also helped me to introduce this resolution to honor the 100-year anniversary, which is very important to Americans.

Mr. Speaker, 100 years ago the first sanctioned automobile race was held in Ormond Beach, Florida, on the beach, just slightly north of my district, in the district currently represented by the gentleman from Florida (Mr. MICA). We have come a long way in automobile racing and automobiles in the United States of America since then.

In 1903, automobiles were mostly for the well-off, the rich. These races were sponsored by the Ormond Hotel Association. It was a seasonal gathering place for wealthy northerns down on the beach in Florida, which is a great place to vacation no matter what decade or year or century it happens to be.

The 3-day tournament of time trials was held in March 1903 for the first time and set seven American records and two world records. The Ormond Challenge Cup, one of the first times an American speed race took place, Bullet Number 1 was owned by Alexander Winton and car Number 2 was Pirate owned by Ransom Olds of Oldsmobile fame; and they dueled each other in what is now known as drag racing. Bullet Number 1 won by two-tenths of a second.

For 8 years, Ormond Beach was the place to go, but ultimately beach racing migrated south to Daytona Beach, which is now a district shared by the gentleman from Florida (Mr. MICA) and myself. In 1936, stock car racing began on a 3.2 mile beach course. Cars ran 1.5 miles north on the beach, took a banked sand turn, and ran 1.5 miles back on a paved raceway and returned to the beach.

World War II stopped automobile racing; but at the end of World War II, a famous American racer, a hero to race fans, William ''Big Bill'' France, one of the first racers back in the 1930s, along with 18 other members, started NASCAR. NASCAR took root on the beach of Ponce Inlet, a beautiful place to visit whether a race fan or not. In 1948, NASCAR began racing there on a 2.2 mile track, one-half mile on the beach's hard-paved sands, and the other one-half mile on the paved South Atlantic Boulevard back.

Ultimately, we decided to get off the beach because there were too many fans gathering around the beach races on an annual basis in the Daytona Beach area. It was Bill France and his family that led the way. They wanted to move racing from the beach to a specially designed, challenging race course.

Starting in 1953, Mr. France started to build an inland race facility. The speedway opened in February 1959 with the first Daytona 500, a race that is famous to this very day. There were 41,000 fans that witnessed that first race, and today we still watch and enjoy that race on an annual basis. This year there are some 13 million fans who will attend NASCAR events in the United States of America.

But it is not just Daytona Beach and Ormond Beach; I am proud of my district's record in terms of establishing the first creative, exciting races for America, but the truth of the matter is now we have the Indianapolis 500. The first Indianapolis 500 was held in 1911, and the race was won with a top speed of 74.6 miles per hour. I note on a collateral basis, that is not enough to get a driver ahead of the next car on the Florida Turnpike today; but the truth is, we have come a long way.

Today's auto racing facilities have come an awful long way from the early races on the beach. Motorsports entertainment complexes nowadays accommodate tens of thousands of fans on tracks that are safer for drivers and spectators alike. Facilities like Daytona Beach International Speedway and other facilities across the country have evolved into what we would have to consider full-fledged theme parks for constant year-around entertainment for families and racing enthusiasts alike.

Mr. Speaker, I want to say that research and development of the vehicles that Americans use every day on the streets have been facilitated by the challenges that we have on NASCAR fast-track speedways around the country. What started as amusement for wealthy individuals in the Florida sunshine in the winter now provides not just entertainment for millions of Americans, but also helps us beef up our technological, our safety, and our capabilities across the board.

I think it is fitting that we recognize a sport that on a daily basis gets TV ratings the same as any of the major football or basketball sports; and if we look at attendance at the parks where these NASCAR events are run, they are three times what we will get for the Super Bowl last year, this year, and every year; and they do that in some 31 States that have these events.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman from Florida (Mr. FEENEY) that he confirmed what I heard from Danielle from the office of the gentleman from Texas (Mr. DELAY), and the soccer moms of the 1990s have been replaced by the NASCAR dads of this century, or the NASCAR families of this century.

Mr. FEENEY. Mr. Speaker, will the gentlewoman yield?

Ms. ROS-LEHTINEN. I yield to the gentleman from Florida.

Mr. FEENEY. Mr. Speaker, I would tell the gentlewoman from Florida that there is a November 10 article in National Review magazine that on the front cover refers to America now as ''NASCAR Nation,'' and I include a copy of that article for the RECORD.

NASCAR NATION

ONE JOURNALIST'S JOURNEY OF DISCOVERY

(By John Derbyshie)

Forget about the Soccer Mom, object of obsessive interest to political strategists in the last two presidential elections. Two election cycles is as much concentrated attention as a voter bloc can expect to get in these fast-changing times. The candidates of 2004 have fixed their sights on a new quarry: the NASCAR Dad. So, at any rate, we are told by Democratic pollster Celinda Lake, who coined the term. A NASCAR Dad is a rural or small-town voter, most likely white and living in the South. Once upon a time he was a reliable Democrat, but he has been voting steadily Republican in recent elections for ''cultural'' reasons—reasons having to do with guns, religion, patriotism, and lifestyle. What, exactly, is his connection with NASCAR—the National Association for Stock Car Auto Racing? In the hope of finding out, I recently attended a major NASCAR event at the Talladega track in Alabama. Before I report on what I found, here is some background on the sport NASCAR represents.

The term ''stock car'' refers to a street automobile from a dealer's stock, the kind you and I drive, as opposed to the custom-built pod-and-strut mutants you see in Formula One racing. When ordinary citizens began to purchase automobiles in large numbers in the 1930s and 1940s, some of them were taken with the urge to race against other drivers on unpaved local dirt tracks. Spectators assembled to watch. Drivers tinkered with their engines to give them more speed. This was happening all over the country by the late 1940s, when NASCAR was founded, but it was happening much more in the South than elsewhere. Wherever it happened, though, it was from the beginning mainly a working-class interest, taken up by young men who liked fiddling with automobiles and exhibiting physical courage among their peers.

A notable early attempt to bring stock-car racing to wider attention was Tom Wolfe's long article ''The Last American Hero'' in the March 1965 issue of Esquire. Wolfe's subject was Junior Johnson, who raced from 1953 to 1966, and was thereafter involved in the sport as an owner until 1995. One of stock-car racing's early superstars, Johnson had perfected his skills by working as a driver for his father's moonshine business in the Appalachian foothills, racing along remote country roads by night to outwit the ''revenuers''—agents of the federal Bureau of Alcohol, Tobacco, and Firearms. Johnson Senior was one of the biggest operators of illegal whiskey stills in the South.

Tom Wolfe had no difficulty getting some color out of Junior Johnson and his neighbors in Wilkes County, N.C. While insisting that ''very few grits, Iron Boy overalls, clodhoppers or hats with ventilation holes up near the crown enter into this story,'' Wolfe nonetheless managed to leave his readers with the impression that stock-car racing was a sport favored pretty exclusively by white Southern rustics—the kind of people who keep coon dogs and, in common with the late Hank Williams, believe that ''hill'' rhymes with ''real.'' Junior Johnson's own take on the episode was of course from the other side of the cultural divide: ''That Wolfe guy was something else. He showed up down here in Wilkes County talkin' funny with a New York accent [Wolfe is from Virginia], and wearin' fancy clothes.''

Officials of NASCAR nowadays wince at this Southern-rustic image. Stock-car racing is, they insist, a sport for everyone, an inclusive sport, a family sport. For 30 years they have been trying to shake off those connotations of liquor-running good ol' boys and big-haired women. They have had some success in spreading interest around the country, but they have not yet persuaded America's cognitive elites to take stock-car racing seriously. This was apparent in February 2001, when NASCAR superstar Dale Earnhardt was killed in a crash at the Daytona 500. Earnhardt was mourned extravagantly by millions of racing fans. Meanwhile, from executive suites and faculty common rooms, from the wood-paneled corridors of prestigious law firms, from the bustling, ''diversity''-obsessed editorial offices of broadsheet newspapers and network-TV newsrooms, rose the plaintive cry: ''Dale who?''

Yet if you look at the numbers, this is not a minor sport. NASCAR's Winston Cup, the biggest of the three ''major league'' series in the stock-car-racing calendar, drew 6.7 million ticketed spectators for 36 events last year, an average of 186,000 per event. By way of comparison, paid attendance for the NFL in 2002 averaged 66,000 per event, for major league base 28,000, for NBA basketball 17,000. TV viewership for a NASCAR race runs around 15 to 20 million, the same as for many major-league baseball playoff games.

What is that all these people are watching? What's the appeal? There must be some deep desire in the human psyche to watch human beings race vehicles round a circuit. Chariot races were, after all, an obsession of both the Romans and the Byzantines. I went to Alabama seeking enlightenment.

FAR FROM DISNEY

Your first impression of Talladega speedway is of sheer size. The track is an approximate oval, with grandstands at both the long sides. Seen from one grandstand, the opposite one seems to shimmer in the misty distance. It is in fact only three-fifths of a mile away, but appears farther because of the haze generated by huge quantities of traffic all around, and by barbecue grills on the infield. Oh, the infield—I had better explain about the Talladega infield.

The infield—212 acres at Talladega—is the interior of the oval. You get to it by driving through one of three tunnels under the track. Much of the infield is taken up with maintenance areas, garages, administrative buildings, and access roads, but the remainder—around 120 acres—is available to fans. And here they are, the hard core of stock-car-racing fandom. And here are their vehicles: Your second impression of the speedways is that you have never in your life seen so many RVs (that is, recreational vehicles, campers) all in one place. The infield fan areas are filled with folk who arrive typically a day or two before the big race and just camp out there in the infield. Some of the RVs are improvised. One popular model consists of an old school bus painted some improbable color, with metal railings welded around the roof so the occupants can stand up there to watch the race.

NASCAR's attempts to Disneyfy their sport have made little headway in the Talladega infield. The crowd is noisy and beery. They wear denim shorts and T-shirts, baseball caps or bandannas. I see a lot of tattoos and a lot of Confederate flags. The track's security people inspect the interior of each vehicle before allowing it to park, and I was told it has been ''some years'' since there was a shooting on the infield, but things still get rowdy, particularly the night before a big race. (Among the track's other administrative facilities is a small jail.) Rowdy, and raunchy too: The Mardi Gras custom of beads for skin (you give the lady a string of beads, she briefly exposes her chest) has come up to Talladega, and it is common to see girls with several strings of beads round their necks—although, as one of my NASCAR minders noted wistfully, ''The girls you'd like to see doing it aren't the ones doing it.''

I watched the first few minutes of the race from the infield, near the starting line. The 43 competing vehicles circle the track slowly, two by two, behind a pace car. Each car's position in line has been determined by pre-race qualifying laps. As they come to the starting line, the pace car pulls off the track, a green flag is waved and the drivers throttle up to full power. Everyone had told me that this is the most thrilling moment of a race, and they did not lie. That mighty surge of engines, the even mightier roar of the crowd, the smell of gasoline and rubber, all combine into an extraordinary sensory experience. What follows is necessarily something of anticlimax, especially as it goes on for three hours or more. The lead cars tend to form a large ''pack,'' so you get a small reprise of that starting thrill each time the pack passes your viewing point, but after half of an hour or so, as the faster cars lapped the slower ones. I lost track of who was leading.

I wandered down to the pit area. Cars need to be refueled as several points in a 500-mile race, and wheels need to be changed. A driver loses position when he makes a pit stop, of course, and part of the strategy of racing—there is a great deal of strategy in this sport—is judging the best time to make your stops. The pit work is done with terrific dispatch, by teams who practice endlessly at shaving tenths of a second off their turnaround time. The team I watched—it was driver Bill Elliott's—changed four wheels and refueled the car all in less than 15 seconds. They have a trick of pre-fixing the lugs in place on the replacement wheels with an elastic cement. Then, when the old wheel is off, on goes the new one, bang!, and the power wrench secures the lugs, DZ!-DZ!-DZ!-DZ!-DZ! ''Slicker 'n snot on a doorknob,'' pronounced the team leader with satisfaction as Elliott vroomed away.

Up close the cars look surprisingly small and flimsy. Their ''stock'' nature is, at this point in the evolution of the sport, highly theoretical. Eligible models in the Winston Cup series are the Chevy Monte Carlo, Pontiac Grand Prix, Ford Taurus, and Dodge Intrepid, but none of the cars I saw bore much resemblance to the street models of those marques. None of their side bodywork panels paused to include a door, for instance; the driver climbs in and out through his side window (which has no glass). An owner I spoke with, who had a Monte Carlo entered in the race, described to me in loving detail how his mechanics hand-tool all the care parts in his 75,000-square-foot machine shop. I interrupted him to ask: ''You hand-make everything? So where, exactly, does Chevrolet come in?'' He looked a little flustered. ''Oh, you know, they supply some parts . . . the chassis design . . .''

It is commonly said that car-racing fans go to the track in the hope of seeing a grisly crash. From my own encounters with fans on the infield and in the stands, I don't believe this. Aside from the sensory thrills of speed and noise, and the rude social pleasures of the infield, the main appeal of the sport, for most fans, lies in rooting for their favorite drivers. Each one has some points of character, personal history, or driving style that endear him to, or repel, some section of the fan base. A few are wildly popular with practically everyone: Dale Earnhardt Sr. was, and his son, Dale Jr., now is. (''On account of his daddy,'' a lady fan in the stands said fondly when I asked why.) A few are widely disliked. Kurt Busch, a fast-rising young star known for . . . unorthodox driving tactics, is a villain to traditionalists, and to the kind of Southerner who believes in maintaining the exquisite manners of the region even when you are trying to kill someone. When the drivers were individually announced during the pre-race proceedings at Talladega, his name was greeted with a great outbreak of booing from the fans.

What then of those stereotypes the NASCAR suits so strenuously try to distance themselves from? The Southern bias, for example? Since Talladega, smack plumb in the heart of the Heart of Dixie, is the only track I have ever been to, my personal experience of the sport has not been well balanced, and I shall dutifully report that you can attend a stock-car race in any part of the country. There are major tracks in California, Kansas, and New Hampshire. The mathematician in me wants to check the numbers, though, and the numbers suggest the following broad truth: Half of this sport belongs to the South, while the other half is spread out among all the rest of us.

Take the location of tracks, for example. Defining the South to be the old Confederacy plus Kentucky, of the 21 major tracks (not counting road courses) in the U.S., 11 are in the South. These Southern tracks have 15.4 of the available 32 miles of roadway and 1.31 million of the total 2.46 million grandstand sets. Over a half, nearly a half, and over a half. It is the same with the 43 drivers at Talladega: I tallied 21 drivers from the South; the next biggest regional group was from the Midwest, with 11 drivers.

Every one of these 43 drivers, by the way, was a white male. None had a Hispanic surname, though Christian Fittipaldi is from Sao Paulo, Brazil. The median age of the drivers was over 39—older than I would have expected. Every one older than 34 was married, with a median 3.5 children.

The Southernness, whiteness, maleness, and (though I am going out on a limb here) heterosexuality of the sport offer obvious openings to PC inquisitors. Last June, for example, a board member of Jesse Jackson's Rainbow/PUSH operation told reporters that stock-car racing is ''the last bastion of white supremacy.'' This was a counterstrike in a campaign by Jackson's critics to get NASCAR to stop contributing to Rainbow/PUSH, on the grounds that the funds end up mostly in the pockets of Jackson, his relatives, and his mistresses. The campaign was eventually successful and NASCAR stopped their contributions. In the conversations I had at Talladega, fan approval was unanimous.

There was nothing racist about that approval, though. Among the celebrities introduced onstage during the pre-game show at Talladega were the current Miss America and football great Reggie White, both black. They were cheered as loudly as anyone—Reggie White especially so, for having taken a strong anti-Jackson line in the summer's controversy. It is true that NASCAR fans are overwhelmingly white, but they have nothing against black people. It is only that, like much of the rest of the country, they are sick of the racial-guilt industry, and most particularly of Jesse Jackson and his self-enriching shakedown schemes. And although NASCAR has cut the tie with Jackson, it maintains a busy program of ''diversity internships'' for minority college students.

The reason for the paucity of black drivers and owners—there are a handful—is captured by Adam Bellow in his book In Praise of Nepotism: ''In auto racing, an equipment-intensive sport with a high financial barrier to entry, it pays to have family connections.'' In fact, the NASCAR personnel database reads like the First Book of Chronicles, with drivers begetting drivers and owners in apparently endless succession.

The social appeal of stock-car racing is wider than it used to be, and getting still wider, with college logos now featuring among the ads that festoon race-car bodywork. A sport built around such a strong network of family connections is, however, going to grow away from its roots only very gradually. This remains a conservative sport. That does not mean, of course, that its fan base can be guaranteed to vote for conservatives. The folk I mingled with at Talladega the other day were still largely working- and lower-middle-class. If they were to lose their jobs in a major recession, they would not stop to ask whether the President in charge at the time called himself a conservative or a liberal. Likewise, while they will cheer on their commander in chief if he pursues a determined war against our nation's enemies, they will not long tolerate U.S. fatalities in a drawn-out politicized conflict where vigorous action is restrained by deference to the opinions of foreigner hecklers or self-anointed domestic elites.

I am going to leave it to professional analysts to decide whether NASCAR Dads will be decisive in the 2004 elections, and just register the following impression that I brought away from Talladega with me: Whoever comes into stock-car racing, whether as driver, or owner, or fan, or political pollster, or

just inquisitive outsider, will find a sport in which physical courage is admired, family bonds are treasured, the nation's flag is honored, and the proper point of balance between courteous restraint and necessary aggression is constantly debated. I greatly enjoyed my day at the races. If NASCAR fans really do form a voting bloc, I would much rather they were on my side than the other. I am glad to have made the acquaintance of a thrilling, noisy, colorful, commercial, very American sport.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 320 and commend the gentleman from Florida (Mr. FEENEY) for introducing this legislation.

Since March 26, 1903, when the first automobile race was held on a beach in Volusia County, Florida, motorsports races have been held in every American State. Millions of Americans enjoy the excitement and speed of motorsports brought to them by such organizations as the Championship Auto Racing Teams, Grand American Road Racing, Indy Racing League, the Sports Club of America, the National Association of Stock Car Automobile Racing, and others.

The research and development of vehicles used in motorsports competition contribute to the improvement of safety and technology of motor vehicles used by the general public. Additionally, motorsports activities contribute millions of dollars to local and State economies as well as to the national economy.

As America continues to grow and develop and as we continue to exercise our creativity and ingenuity, and as we find additional ways for recreation, many people are beginning to view this as not only a spectator sport but also something that they would learn to participate in themselves.

Again I commend the gentleman from Florida (Mr. FEENEY) for introducing this resolution and urge its swift passage.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 320.

The question was taken.

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

Ms. ROS-LEHTINEN. 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.

AWARDING CONGRESSIONAL GOLD MEDALS POSTHUMOUSLY ON BEHALF OF REVEREND JOSEPH A. DELAINE, HARRY AND ELIZA BRIGGS, AND LEVI PEARSON IN RECOGNITION OF THEIR CONTRIBUTIONS TO BROWN V. BOARD OF EDUCATION

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3287) to award congressional gold medals posthumously on behalf of Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson in recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of Brown et al. v. the Board of Education of Topeka et al.

The Clerk read as follows:

H.R. 3287

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

SECTION 1. FINDINGS.

The Congress finds as follows:

(1) The Reverend Joseph Armstrong DeLaine, one of the true heroes of the civil rights struggle, led a crusade to break down barriers in education in South Carolina.

(2) The efforts of Reverend DeLaine led to the desegregation of public schools in the United States, but forever scarred his own life.

(3) In 1949, Joseph DeLaine, a minister and school principal, organized African-American parents in Summerton, South Carolina, to petition the school board for a bus for black students, who had to walk up to 10 miles through corn and cotton fields to attend a segregated school, while the white children in the school district rode to and from school in nice clean buses.

(4) In 1950, these same parents, including Harry and Eliza Briggs, sued to end public school segregation in Briggs et al. v. Elliott et al., one of 5 cases that collectively led to the landmark 1954 Supreme Court decision of Brown et al. v. Board of Education of Topeka et al.

(5) Because of his participation in the desegregation movement, Reverend DeLaine was subjected to repeated acts of domestic terror in which—

(A) he, along with 2 sisters and a niece, lost their jobs;

(B) he fought off an angry mob;

(C) he received frequent death threats; and

(D) his church and his home were burned to the ground.

(6) In October 1955, after Reverend DeLaine relocated to Florence County in South Carolina, shots were fired at the DeLaine home, and because Reverend DeLaine fired back to mark the car, he was charged with assault and battery with intent to kill.

(7) The shooting incident drove him from South Carolina to Buffalo, New York, where he organized an African Methodist Episcopal Church.

(8) Believing that he would not be treated fairly by the South Carolina judicial system if he returned to South Carolina, Reverend DeLaine told the Federal Bureau of Investigation, ''I am not running from justice but injustice'', and it was not until 2000 (26 years after his death and 45 years after the incident) that Reverend DeLaine was cleared of all charges relating to the October 1955 incident.

(9) Reverend DeLaine was a humble and fearless man who showed the Nation that all people, regardless of the color of their skin, deserve a first-rate education, a lesson from which the Nation has benefited immeasurably.

(10) Reverend DeLaine deserves rightful recognition for the suffering that he and his family endured to teach the Nation one of the great civil rights lessons of the last century.

(11) Like the Reverend DeLaine and Harry and Eliza Briggs, Levi Pearson was an integral participant in the struggle to equalize the educational experiences of white and black students in South Carolina.

(12) Levi Pearson, with the assistance of Reverend Joseph DeLaine, filed a lawsuit against the Clarendon County School District to protest the inequitable treatment of black children.

(13) As a result of his lawsuit, Levi Pearson also suffered from acts of domestic terror, such as the time gun shots were fired into his home, as well as economic consequences: local banks refused to provide him with credit to purchase farming materials and area farmers refused to lend him equipment.

(14) Although his case was ultimately dismissed on a technicality, Levi Pearson's courage to stand up for equalized treatment and funding for black students served as the catalyst for further attempts to desegregate South Carolina schools, as he continued to fight against segregation practices and became President of Clarendon County Chapter of the NAACP.

(15) When Levi Pearson's litigation efforts to obtain equalized treatment and funding for black students were stymied, Harry and Eliza Briggs, a service station attendant and a maid, continued to fight for not only equalized treatment of all children but desegregated schools as well.

(16) As with Reverend DeLaine and Levi Pearson, the family of Harry and Eliza Briggs suffered consequences for their efforts: Harry and Eliza both were fired from their jobs and forced to move their family to Florida.

(17) Although they and their family suffered tremendously, Harry and Eliza Briggs were also pioneers leading the effort to desegregate America's public schools.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—In recognition of the contributions of Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of Brown et al. v. the Board of Education of Topeka et al., the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Joseph De Laine, Jr., as next of kin of Reverend Joseph A. DeLaine, and to the next of kin or other personal representative of Harry and Eliza Briggs and of Levi Pearson.

(b) DESIGN AND STRIKING.—For the purposes of the awards referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike 3 gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medals struck pursuant to section 2, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medals.

SEC. 4. STATUS AS NATIONAL MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for

purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from Indiana (Ms. CARSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

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

Mr. Speaker, I rise today to express strong support for H.R. 3287, which seeks to award the Congressional Gold Medal to each of four Americans closely associated with the landmark Brown v. Board of Education of Topeka Supreme Court ruling that led to desegregation of our Nation's schools. I commend the gentleman from South Carolina (Mr. CLYBURN) for introducing this legislation.

This bill seeks to award this body's highest civilian honor posthumously to four courageous Americans. They are the Reverend Joseph A. DeLaine, Levi Pearson, and Henry and Elizabeth Briggs. Given the time required to design and strike the medals, these medals should be ready for an awards ceremony next year, which is fitting as next year is the 50th anniversary of the Brown v. Board of Education decision.

Mr. Speaker, we all know the names of many of the civil rights movement's greatest leaders, and we know their stories well; but not everyone knows well the names of those whose courageous actions led to the Brown v. Board of Education decision and precipitated the desegregation of our schools throughout America. The legislation we consider here today would rectify that situation. Through this Congressional Gold Medal, we honor the stories, the bravery and the memories of these fine Americans.

Reverend DeLaine was a minister and a school principal. In 1947, he organized a petition drive for African American parents to get a school bus so their children would not have to walk up to 10 miles to and from school while white children were driven to their schools in buses. The request was denied.

The next year, 1948, Levi Pearson, a farmer whose three children had to walk 9 miles to school each day, filed a lawsuit against the Clarendon County, South Carolina School District that protested unequal treatment of and funding for black and white students. While the suit was dismissed on a technicality, it served as a catalyst to further efforts to desegregate South Carolina schools.

And in 1949, Henry and Elizabeth Briggs, along with many of the same parents who joined in the original petition for a bus, sued to end public school segregation in Briggs v. Elliott.

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This was the first of the five cases to be filed, and all were eventually merged together to become the Supreme Court's 1954 Brown v. Board of Education of Topeka decision. Taken separately, each of these individuals contributed considerably to the civil rights movement and to the breakdown of racial barriers in education. Taken together, their accomplishments are enormous. These individuals were pioneers in desegregation. They suffered and made great personal sacrifices, risking their lives, jobs, and homes to ensure that all children are educated equally and together, regardless of the color of their skin.

Mr. Speaker, these individuals deserve our recognition for their courage, and I urge immediate passage of this legislation.

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

Ms. CARSON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman from South Carolina (Mr. CLYBURN) for sponsoring the bill. I also would like to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) for allowing this bill to come to the floor today.

Mr. Speaker, H.R. 3287 gives honor to whom honor is due. It provides Congressional Gold Medals to the Reverend Joseph DeLaine, Levi Pearson, and Harry and Eliza Briggs.

Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. CLYBURN), the creator and inspirator of this legislation.

Mr. CLYBURN. Mr. Speaker, I thank the gentlewoman from Indiana for yielding me this time and the gentlewoman from Illinois for her assistance with this effort. I also want to thank Speaker HASTERT and Leader PELOSI for their assistance in expediting this very important piece of legislation. I am also thankful to Chairman OXLEY and Ranking Member FRANK for their leadership in this matter. It is very difficult to find proper words to convey to the 298 cosponsors of this bill my appreciation of the bipartisan support and genuine courtesies extended to me throughout this effort.

Mr. Speaker, I am also grateful to Senator FRITZ HOLLINGS for his sponsorship of similar legislation in the other body and his 99 colleagues who gave his bill a unanimous vote. I am hopeful this body will do likewise.

Mr. Speaker, as we approach the 50th anniversary of Brown v. Board of Education of Topeka, Kansas, it is indeed an honor to stand in the Halls of the United States House of Representatives to commemorate the dedication and courage of four South Carolinians who initiated the effort to desegregate public school education in South Carolina and the Nation.

Reverend Joseph Armstrong DeLaine organized the original 106 petitioners, 18 of whom and two others made up the original 20 plaintiffs in Briggs v. Elliott, the first of the five cases that were merged and became Brown v. Board of Education of Topeka, Kansas. I now submit the names of all of those petitioners into the RECORD of these proceedings this evening.

BRIGGS V. ELLIOT

South Carolinians who signed a petition to the Board of Trustees for Clarendon County School District #22 demanding equal educational opportunities for African-Americans. The petition was submitted on November 11, 1949.

1. Harry Briggs*
2. Eliza Briggs
3. Harry Briggs, Jr.
4. Thomas Lee Briggs
5. Katherine Briggs
6. Thomas Gamble
7. Henry Brown
8. Thelma Brown
9. Vera Brown
10. Beatrice Brown
11. Willie Brown
12. Marian Brown
13. Ethel Mae Brown
14. Howard Brown
15. James Brown
16. Theola Brown
17. Thomas Brown
18. Euralia Brown
19. Joe Morris Brown
20. Onetha Bennett*
21. Hercules Bennett
22. Hilton Bennett
23. William Gibson
24. Annie Gibson*
25. William Gibson Jr.
26. Maxine Gibson
27. Harold Gibson
28. Robert Georgia*
29. Carrie Georgia
30. Charlie Georgia
31. Jervine Georgia
32. Gladys Hilton
33. Joseph Hilton
34. Lila Mae Huggins
35. Celestine Huggins
36. Juanita Huggins
37. Gussie Hilton
38. Roosevelt Hilton
39. Thomas Johnson
40. Blanche E. Johnson
41. Lillie Eva Johnson
42. Rubie Lee Johnson
43. Betty J. Johnson
44. Bobby M. Johnson
45. Preston Johnson Jr.
46. Susan Lawson*
47. Raymond Lawson
48. Eddie Lee Lawson
49. Susan Ann Lawson
50. Frederick Oliver*
51. Willie Oliver

52. Mary Oliver*
53. Mose Oliver*
54. Leroy Oliver
55. Mitchel Oliver
56. Bennie Parson Jr.*
57. Plummie Parson
58. Celestine Parson
59. Edward Ragin*
60. Sarah Ragin
61. Shirley Ragin
62. Deloris Ragin
63. Hazel Ragin*
64. Zelia Ragin
65. Sarah Ellen Ragin
66. Rebecca Ragin
67. Mable Ragin
68. William Ragin*
69. Glen Ragin
70. Luchrisher Richardson*
71. Elane Richardson
72. Emanuel Richardson
73. Rebecca Richburg*
74. Rebecca I. Richburg
75. E.E. Richburg
76. Albert Richburg
77. Lee Johnson
78. Bessie Johnson
79. Morgan Johnson
80. Samuel Gary Johnson
81. Lee Richardson*
82. James Richardson
83. Charles Richardson
84. Annie L. Richardson
85. Dorothy Richardson
86. Jackson Richardson
87. Mary O. Lawson
88. Francis Lawson
89. Bennie Lee Lawson
90. Mary Oliver
91. Daisy Oliver
92. Louis Oliver Jr.
93. Esther F. Singleton
94. Janie Fludde
95. Henry Scott*
96. Mary Scott
97. Irene Scott
98. Willie M. Stukes*
99. Gardenia Stukes
100. Willie M. Stukes Jr.
101. Gardenia Stukes
102. Louis W. Stukes
103. Gabriel Tyndal*
104. Annie Tyndal
105. Mary L. Bennett
106. Lillian Bennett

*Indicates those who served as named plaintiffs in the case of Briggs v. Elliott. Plaintiff's also included James H. Bennett and G. H. Henry.

At the time of their petition, black children in Clarendon County were walking 9 miles each way to school, and all they petitioned for was a school bus. When their request for a bus was denied, they sought relief in the courts. Reverend DeLaine was harassed by the Ku Klux Klan and several attempts were made on his life. His church was burned and when he responded in kind to gunshots that were fired into his home in 1955, law enforcement officials issued a warrant for Reverend DeLaine's arrest. Fearing the consequences, he and his family fled the State.

In 1971, Governor John C. West received a letter from Reverend DeLaine advising that his health was failing and requesting that he be allowed to return to South Carolina where he wished to be buried. Governor West tasked me with the responsibility of getting it done. We failed, because one of the men who signed the arrest warrant refused the Governor's and law enforcement officials' requests that he drop the charges. In 2000, the South Carolina legislature cleared Reverend DeLaine's record, but much too late to honor his request. Reverend DeLaine died in 1974 and is buried in Charlotte, North Carolina.

Levi Pearson was a small Clarendon County farmer. He responded to Reverend DeLaine's request and sued the school district on behalf of his three children who were walking those 9 miles to school each day. His decision was met with dire consequences. The local bank refused to provide him credit to purchase farming equipment and other farmers refused to lend him any equipment. Shots were fired into his home and he was ostracized by his neighbors. Despite these actions, Pearson continued with his suit. But in 1948, the United States District Court dismissed Pearson's suit, finding that although his farm was partially in Clarendon School District 1, his house was situated in Clarendon School District 2; and therefore he had no standing. Although his legal case was dismissed, Pearson continued to fight against segregation and later became president of the local NAACP chapter. In spite of extreme hardships, he never left his land.

Harry Briggs, a service station attendant, and his wife, Eliza, a maid at a local motel, took up the cause. As did Levi Pearson and Reverend DeLaine, they suffered inhumane consequences for their actions. They were fired from their jobs but they persevered, and as is often said, the rest is history. Because he was blackballed in South Carolina and could not find employment, Harry moved to Florida where he lived out his productive life. Unlike Reverend DeLaine, he returned to South Carolina and is buried in his native soil.

Every year on the Friday evening nearest May 17, the South Carolina conference of branches of the NAACP holds its annual Freedom Fund dinner in honor of the Briggs petitioners. And ever since I have been a Member of this body, pictures of Mrs. DeLaine and other principals in the case have been prominently displayed on a wall of my office.

Mr. Speaker, if not for the personal sacrifices of those like Reverend DeLaine, Mr. Pearson, the Briggses and many others known and unknown, I and others like me may have never experienced membership in this body. This bill reminds us that it is the actions of a preacher and educator, a farmer, a gas station attendant, and a motel maid that initiated the efforts that changed American society forever. I hope that our actions here tonight remind all Americans that it is not our station in life that makes us worthy of honor and recognition, but our commitment to the principles and pursuit of the promise that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

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

Ms. CARSON of Indiana. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), the very bright and energetic ranking member of the Committee on the Budget.

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

Mr. SPRATT. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in proud support of H.R. 3287, which honors four South Carolina heroes. Because of the courage of Joseph A. DeLaine, Harry Briggs, Eliza Briggs and Levi Pearson, South Carolinians live in a better State; but more important, Americans live in a better country. I can think of no tribute to these brave South Carolinians more deserving or appropriate than a Congressional Gold Medal.

I have the same story to tell that the gentleman from South Carolina (Mr. CLYBURN) just told, but I cannot possibly tell it with the same empathy that he related it, so I will not rehearse the facts that we have just heard, which are stirring. I will enter those for the RECORD.

Let me simply say that, Mr. Speaker, I have lived all my life in South Carolina. I can imagine the resistance and intimidation that Joseph DeLaine and Levi Pearson and Harry and Eliza Briggs faced. These brave Americans stood up for justice, and for their courage they paid a heavy price. Today we remember Dr. Martin Luther King and Thurgood Marshall, and we should. They were the giants of the civil rights movement. But without brave pioneers, foot soldiers like Joseph A. DeLaine, Levi Pearson, and Harry and Eliza Briggs, our schools would not have been desegregated in 1954. The Civil Rights Act of 1964 and 1965 may have been passed but not in those years. They sparked those events.

I commend the gentleman from South Carolina (Mr. CLYBURN) for conceiving and spearheading this resolution. I ask that all Members of the House join us in voting to award Congressional Gold Medals posthumously to the Reverend DeLaine, to Mr. and Mrs. Harry Briggs, and to Mr. Levi Pearson. In the words of Dr. King, they made this country rise up and live out the true meaning of its creed, that all men are created equal.

Mr. Speaker, I rise in proud support of H.R. 3287, honoring four South Carolina heroes. Because of the courage of Joseph DeLaine, Harry Briggs, Eliza Briggs, and Levi Pearson, South Carolinians live in a better state and Americans live in a better country. I can think of no tribute to these brave South Carolinians more deserving or appropriate than a Congressional Gold Medal.

In 1949–50, there were 6,531 black students enrolled in the Clarendon County public schools and 2,375 whites. The schools were separate and unequal. Clarendon County that

year spent $179 per white student and $43 per black student. Reverend Joseph DeLaine was a teacher in Clarendon County. He attended a statewide meeting of the NAACP and heard the president decry segregation and lay down a challenge saying, ''No teacher or preacher in South Carolina has the courage to find a plaintiff who will test the legality of discriminatory bus transportation.'' The Reverend DeLaine was moved to action. He went to the Clarendon County School Board to ask for a bus to carry children to and from Scotts Branch High School. He pointed out that bus service was available to white students at other county schools, and asked simply for the same bus service for black students attending Scotts Branch. When he was turned down, he appealed to the State Superintendent of Education in Columbia and the U.S. Attorney General, all to no avail. Reverend DeLaine then enlisted Levi Pearson, a farmer with children at Scotts Branch, to be plaintiff in a lawsuit against the Clarendon County Board of Education. Levi Pearson v. County Board of Education was brought but dismissed in 1948 on a technicality. Levi Pearson's farm straddled the school district boundary, and his home was held to be outside the school district's boundary. The court ruled that Pearson had no standing, and dismissed his suit.

Undaunted, Reverend DeLaine, worked with the NAACP to draft a new petition to the State Board of Education seeking not just school buses, but educational equality across the board for all black students in Clarendon County. A petition with the necessary signatures was presented to the board. The first name listed was Harry Briggs, a service station attendant in Summerton, South Carolina. In retribution, Reverend DeLaine was fired from his job at Scotts Branch, and Harry Briggs lost his service station job. The state school board refused to act.

Reverend DeLaine then sought the assistance of the NAACP Legal Defense Fund, and in particular a lawyer by the name of Harold Boulware in Columbia. Boulware, with the assistance of Thurgood Marshall, took the case and filed a new suit, Briggs v. Elliott, seeking equal educational opportunities for all black students in Clarendon County. By a 2–1 vote, a three-judge panel denied the plaintiffs in Briggs v. Elliott the relief they were seeking. Judge Waties Waring, another unsung hero, wrote a dissenting opinion in favor of the plaintiffs. Briggs v. Elliott was appealed to the Supreme Court, and eventually consolidated with four other cases, the first of which was Brown v. Board of Education of Topeka, Kansas.

Reverend DeLaine was in the Supreme Court's courtroom for the argument of Brown v. Board of Education. A reporter quoted him as saying: ''There were times when I thought I would go out of my mind because of this case, but if I had to do it again, I would. I feel it was worth it. I have a feeling that the Supreme Court is going to end segregation.''

He was not only brave but prescient. In 1954, a unanimous Supreme Court vindicated the efforts of the Reverend Joseph A. DeLaine with its unanimous decision in Brown v. Board of Education. It was a bittersweet victory for Reverend DeLaine. Forced out of Clarendon County on charges arising out of a confrontation with whites who threatened his home at night, he moved to Charlotte, North Carolina where he founded a church. Because of the outstanding warrant, he was effectively exiled from South Carolina and never able to return to Clarendon County.

Mr. Speaker, I have lived all my life in South Carolina and I can imagine the resistance and intimidation that Joseph DeLaine, Levi Pearson, and Harry and Eliza Briggs faced. These brave Americans stood up for justice and for their courage, they paid a heavy price. Today we remember Dr. Martin Luther King and Thurgood Marshall, as we should; they were the giants of the civil rights movement. But without brave pioneers like Joseph DeLaine, Levi Pearson, Harry and Eliza Briggs, our schools would not have been desegregated and the Civil Rights Acts of 1964 and 1965 would not have been passed.

I commend Congressman CLYBURN for conceiving and spearheading this resolution, and I ask that all members of this House join us in voting to award Congressional gold medals posthumously to the Reverend DeLaine, to Mr. and Mrs. Harry Briggs, and to Mr. Levi Pearson. In the words of Dr. King, they made this country ''rise up and live out the true meaning of its creed, that all men are created equal.''

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

Ms. CARSON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Eleanor Roosevelt said, ''When will our consciences grow so tender that we will act to prevent human misery rather than avenge it?'' I recall the words of Chief Justice Earl Warren who said, ''It is the spirit and not the form of law that keeps justice alive.'' I want to commend the sponsors of this legislation for their foresight and insight.

The court action of Briggs v. Elliott in South Carolina to end public school segregation was a major component in the successful Brown v. Board of Education Supreme Court ruling which effectively struck down the so-called separate but equal. It is this ''spirit of the law'' that preceded Brown v. Board of Education in the form of Briggs v. Elliott. Before Briggs v. Elliott was Plessy v. Ferguson. Before Plessy were the 13th and the 14th amendments.

And so, Mr. Speaker, I would encourage each Member of this body to give proper honor to whom honor is due by supporting unanimously this legislation that will authorize the Congressional Gold Medal to these deserving citizens of the United States.

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

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

Let me again commend the gentleman from South Carolina (Mr. CLYBURN) for sponsoring H.R. 3287 and Chairman OXLEY and Ranking Member FRANK of the Committee on Financial Services for their support of this legislation.

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

The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 3287.

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.

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NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE ACT

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3491) to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

The Clerk read as follows:

H.R. 3491

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Museum of African American History and Culture Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) since its founding, the United States has grown into a symbol of democracy and freedom around the world, and the legacy of African Americans is rooted in the very fabric of the democracy and freedom of the United States;

(2) there exists no national museum within the Smithsonian Institution that—

(A) is devoted to the documentation of African American life, art, history, and culture; and

(B) encompasses, on a national level—

(i) the period of slavery;

(ii) the era of Reconstruction;

(iii) the Harlem renaissance;

(iv) the civil rights movement; and

(v) other periods associated with African American life, art, history, and culture; and

(3) a National Museum of African American History and Culture would be dedicated to the collection, preservation, research, and exhibition of African American historical and cultural material reflecting the breadth and depth of the experiences of individuals of African descent living in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD OF REGENTS.—The term ''Board of Regents'' means the Board of Regents of the Smithsonian Institution.

(2) COUNCIL.—The term ''Council'' means the National Museum of African American History and Culture Council established by section 5.

(3) MUSEUM.—The term ''Museum'' means the National Museum of African American History and Culture established by section 4.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Smithsonian Institution.

SEC. 4. ESTABLISHMENT OF MUSEUM.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a museum to be known as the ''National Museum of African American History and Culture''.

(b) PURPOSE.—The purpose of the Museum shall be to provide for—

(1) the collection, study, and establishment of programs relating to African American life, art, history, and culture that encompass—

(A) the period of slavery;

(B) the era of Reconstruction;

(C) the Harlem renaissance;

(D) the civil rights movement; and

(E) other periods of the African American diaspora;

(2) the creation and maintenance of permanent and temporary exhibits documenting the history of slavery in America and African American life, art, history, and culture during the periods referred to in paragraph (1);

(3) the collection and study of artifacts and documents relating to African American life, art, history, and culture; and

(4) collaboration between the Museum and other museums, historically black colleges and universities, historical societies, educational institutions, and other organizations that promote the study or appreciation of African American life, art, history, or culture, including collaboration concerning—

(A) development of cooperative programs and exhibitions;

(B) identification, management, and care of collections; and

(C) training of museum professionals.

SEC. 5. COUNCIL.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a council to be known as the ''National Museum of African American History and Culture Council''.

(b) DUTIES.—

(1) IN GENERAL.—The Council shall—

(A) make recommendations to the Board of Regents concerning the planning, design, and construction of the Museum;

(B) advise and assist the Board of Regents on all matters relating to the administration, operation, maintenance, and preservation of the Museum;

(C) recommend annual operating budgets for the Museum to the Board of Regents;

(D) report annually to the Board of Regents on the acquisition, disposition, and display of objects relating to African American life, art, history, and culture; and

(E) adopt bylaws for the operation of the Council.

(2) PRINCIPAL RESPONSIBILITIES.—The Council, subject to the general policies of the Board of Regents, shall have sole authority to—

(A) purchase, accept, borrow, and otherwise acquire artifacts for addition to the collections of the Museum;

(B) loan, exchange, sell, and otherwise dispose of any part of the collections of the Museum, but only if the funds generated by that disposition are used for additions to the collections of the Museum; or

(C) specify criteria with respect to the use of the collections and resources of the Museum, including policies on programming, education, exhibitions, and research with respect to—

(i) the life, art, history, and culture of African Americans;

(ii) the role of African Americans in the history of the United States from the period of slavery to the present; and

(iii) the contributions of African Americans to society.

(3) OTHER RESPONSIBILITIES.—The Council, subject to the general policies of the Board of Regents, shall have authority—

(A) to provide for preservation, restoration, and maintenance of the collections of the Museum; and

(B) to solicit, accept, use, and dispose of gifts, bequests, and devises of personal property for the purpose of aiding and facilitating the work of the Museum.

(c) COMPOSITION AND APPOINTMENT.—

(1) IN GENERAL.—The Council shall be composed of 19 voting members as provided under paragraph (2).

(2) VOTING MEMBERS.—The Council shall include the following voting members:

(A) The Secretary of the Smithsonian Institution.

(B) 1 member of the Board of Regents, appointed by the Board of Regents.

(C) 17 individuals appointed by the Board of Regents—

(i) taking into consideration individuals recommended by organizations and entities that are committed to the advancement of knowledge of African American life, art, history, and culture; and

(ii) taking into consideration individuals recommended by the members of the Council.

(3) INITIAL APPOINTMENTS.—The Board of Regents shall make initial appointments to the Council under paragraph (2) not later than 180 days after the date of enactment of this Act.

(d) TERMS.—

(1) IN GENERAL.—Except as provided in this subsection, each appointed member of the Council shall be appointed for a term of 3 years.

(2) INITIAL APPOINTEES.—As designated by the Board of Regents at the time of appointment, of the voting members first appointed under subparagraph (C) of subsection (c)(2)—

(A) 6 members shall be appointed for a term of 1 year;

(B) 6 members shall be appointed for a term of 2 years; and

(C) 5 members shall be appointed for a term of 3 years.

(3) REAPPOINTMENT.—A member of the Council may be reappointed, except that no individual may serve on the Council for a total of more than 2 terms. For purposes of this paragraph, the number of terms an individual serves on the Council shall not include any portion of a term for which an individual is appointed to fill a vacancy under paragraph (4)(B).

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Council—

(i) shall not affect the powers of the Council; and

(ii) shall be filled in the same manner as the original appointment was made.

(B) TERM.—Any member of the Council appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

(e) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Council shall serve without pay.

(2) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Council.

(f) CHAIRPERSON.—By a majority vote of its voting members, the Council shall elect a chairperson from its members.

(g) MEETINGS.—

(1) IN GENERAL.—The Council shall meet at the call of the chairperson or on the written request of a majority of the voting members of the Council, but not fewer than twice each year.

(2) INITIAL MEETINGS.—During the 1-year period beginning on the date of the first meeting of the Council, the Council shall meet not fewer than 4 times for the purpose of carrying out the duties of the Council under this Act.

(h) QUORUM.—A majority of the voting members of the Council holding office shall constitute a quorum for the purpose of conducting business, but a lesser number may receive information on behalf of the Council.

SEC. 6. DIRECTOR AND STAFF OF THE MUSEUM.

(a) DIRECTOR.—

(1) IN GENERAL.—The Museum shall have a Director who shall be appointed by the Secretary, taking into consideration individuals recommended by the Council.

(2) DUTIES.—The Director shall manage the Museum subject to the policies of the Board of Regents.

(b) STAFF.—The Secretary may appoint 2 additional employees to serve under the Director, except that such additional employees may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(c) PAY.—The employees appointed by the Secretary under subsection (b) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

SEC. 7. EDUCATIONAL AND LIAISON PROGRAMS.

(a) IN GENERAL.—

(1) PROGRAMS AUTHORIZED.—The Director of the Museum may carry out educational and liaison programs in support of the goals of the Museum.

(2) SPECIFIC ACTIVITIES DESCRIBED.—In carrying out this section, the Director shall—

(A) carry out educational programs relating to African American life, art, history, and culture, including—

(i) programs using digital, electronic, and interactive technologies; and

(ii) programs carried out in collaboration with elementary schools, secondary schools, and postsecondary schools; and

(B) consult with the Director of the Institute of Museum and Library Services concerning the grant and scholarship programs carried out under subsection (b).

(b) GRANT AND SCHOLARSHIP PROGRAMS.—

(1) IN GENERAL.—In consultation with the Council and the Director of the Museum, the Director of the Institute of Museum and Library Services shall establish—

(A) a grant program with the purpose of improving operations, care of collections, and development of professional management at African American museums;

(B) a grant program with the purpose of providing internship and fellowship opportunities at African American museums;

(C) a scholarship program with the purpose of assisting individuals who are pursuing careers or carrying out studies in the arts, humanities, and sciences in the study of African American life, art, history, and culture;

(D) in cooperation with other museums, historical societies, and educational institutions, a grant program with the purpose of promoting the understanding of modern-day practices of slavery throughout the world; and

(E) a grant program under which an African-American museum (including a nonprofit education organization the primary mission of which is to promote the study of African-American diaspora) may use the funds provided under the grant to increase an endowment fund established by the museum (or organization) as of May 1, 2003, for the purposes of—

(i) enhancing educational programming; and

(ii) maintaining and operating traveling educational exhibits.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the Institute of Museum and Library Services to carry out this subsection—

(A) $15,000,000 for fiscal year 2004; and

(B) such sums as are necessary for each fiscal year thereafter.

SEC. 8. BUILDING FOR THE NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE.

(a) IN GENERAL.—

(1) LOCATION.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Board of Regents shall designate a site for the Museum.

(B) SITES FOR CONSIDERATION.—In designating a site under subparagraph (A), the Board of Regents shall select from among the following sites in the District of Columbia:

(i) The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia.

(ii) The area bounded by Constitution Avenue, Madison Drive, and 14th and 15th Streets, Northwest.

(iii) The site known as the ''Liberty Loan site'', located on 14th Street Southwest at the foot of the 14th Street Bridge.

(iv) The site known as the ''Banneker Overlook site'', located on 10th Street Southwest at the foot of the L'Enfant Plaza Promenade.

(C) AVAILABILITY OF SITE.—

(i) IN GENERAL.—A site described in subparagraph (B) shall remain available until the date on which the Board of Regents designates a site for the Museum under subparagraph (A).

(ii) TRANSFER TO SMITHSONIAN INSTITUTION.—Except with respect to a site described in clause (i) of subparagraph (B), if the site designated for the Museum is in an area that is under the administrative jurisdiction of a Federal agency, as soon as practicable after the date on which the designation is made, the head of the Federal agency shall transfer to the Smithsonian Institution administrative jurisdiction over the area.

(D) CONSULTATION.—The Board of Regents shall carry out its duties under this paragraph in consultation with the following:

(i) The Chair of the National Capital Planning Commission.

(ii) The Chair of the Commission on Fine Arts.

(iii) The Chair and Vice Chair of the Presidential Commission referred to in section 10.

(iv) The Chair of the Building and Site Subcommittee of the Presidential Commission referred to in section 10.

(v) The Chair and ranking minority member of each of the following Committees:

(I) The Committee on Rules and Administration of the Senate.

(II) The Committee on House Administration of the House of Representatives.

(III) The Committee on Transportation and Infrastructure of the House of Representatives.

(IV) The Committee on Appropriations of the House of Representatives.

(V) The Committee on Appropriations of the Senate.

(2) CONSTRUCTION OF BUILDING.—The Board of Regents, in consultation with the Council, may plan, design, and construct a building for the Museum, which shall be located at the site designated by the Board of Regents under this paragraph.

(3) NONAPPLICABILITY OF PROVISIONS RELATING TO MONUMENTS AND COMMEMORATIVE WORKS.—Chapter 89 of title 40, United States Code, shall not apply with respect to the Museum.

(b) COST SHARING.—The Board of Regents shall pay—

(1) 50 percent of the costs of carrying out this section from Federal funds; and

(2) 50 percent of the costs of carrying out this section from non-Federal sources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 9. CONGRESSIONAL BUDGET ACT COMPLIANCE.

Authority under this Act to enter into contracts or to make payments shall be effective in any fiscal year only to the extent provided in advance in an appropriations Act, except as provided under section 11(b).

SEC. 10. CONSIDERATION OF RECOMMENDATIONS OF PRESIDENTIAL COMMISSION.

In carrying out their duties under this Act, the Council and the Board of Regents shall take into consideration the reports and plans submitted by the National Museum of African American History and Culture Plan for Action Presidential Commission under the National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001 (Public Law 107–106).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Smithsonian Institution to carry out this Act, other than sections 7(b) and 8—

(1) $17,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each fiscal year thereafter.

(b) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

(c) USE OF FUNDS FOR FUNDRAISING.—Amounts appropriated pursuant to the authorization under this section may be used to conduct fundraising in support of the Museum from private sources.

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

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

Mr. Speaker, H.R. 3491 establishes the National Museum of African American History and Culture within the Smithsonian Institution. This is a long, long overdue bill. This is a proud night for the House and a proud night for all in the United States, for citizens of all races, all ethnic backgrounds, and people of all income levels and all walks of life here in our great country. I am very proud that this Congress, the 108th Congress, has stepped up to the plate to pass this bill. This concept for such a museum has been around for quite some time, but it has never been this close to reality as tonight. The credit for bringing us to where we are tonight rests with the gentleman from Georgia (Mr. LEWIS), who has worked tirelessly, endlessly on this legislation since 1988. The gentleman from Georgia (Mr. LEWIS) has paired up with the gentleman from Georgia (Mr. KINGSTON), another fellow Georgian in this Congress, and together they have worked in a bipartisan manner with many of our colleagues to address any concerns and surmount any barriers in the way of this bill. I also want to thank the gentleman from Connecticut (Mr. LARSON), our ranking member, and the members of the Committee on House Administration who have worked, I believe, in a very quick and diligent manner to have this bill again come to a vote on the floor of the U.S. House.

Credit also should be given to the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) whose subcommittee has jurisdiction over the construction portion of the museum. Without the help of these Members, Mr. Speaker, and their staff, reaching a consensus would not have been possible within the time frame in which it was achieved.

The establishment of this museum will go a long way in educating our future generations and recognizing the many contributions of African Americans throughout our Nation's history. The proposed museum would take a step in acknowledging many, and I repeat, many of the sacrifices that have been made and provide a comprehensive history about significant events and individuals.

Several years ago Congress agreed that in order to take the next step towards this museum, any remaining questions or issues had to be resolved. In December of 2001, President Bush signed Public Law 107–106, which created a Presidential Commission to research and evaluate issues related to the establishment of the proposed African American Museum and to develop a plan for action to bring this vision to reality.

This Presidential Commission should also be applauded for their diligent work and research on the proposed museum. Their hard work provided us with many answers to questions related to site location, potential costs for museum, the fund-raising ability of the private sector, and the potential for exhibits and artifacts for this museum.

The proposed museum will reside within the structure of the Smithsonian Institution. As the Nation's keeper of history and culture, the Smithsonian is an ideal body of inclusion for just such a museum. This bill authorizes the Smithsonian to identify a site for the museum from a list of recommended sites provided to Congress from the Presidential Commission. Once a site has been selected, the legislation authorizes the Smithsonian's governing Board of Regents to plan, design, and construct a building for the museum that will be paid for through a public/private partnership which would be split 50 percent Federal funds and 50 percent private funding, and I have no doubt tonight, and I talked with the gentleman from Georgia (Mr. LEWIS) about this and our ranking member and other Members, and I have no doubt, again I want to stress, that the private funding will be there. Support for this will come from not only the United States, but I believe from around the world of citizens realizing this great museum and its tremendous worth to all people in the United States.

This legislation authorizes an initial amount of $17 million for fiscal year 2004 for carrying out this act, and it further authorizes an initial amount of

$15 million for fiscal year 2004 that will be used for education and liaison programs that will be used to carry out the goals of this museum.

Langston Hughes, a great African American author and poet, said ''Dream your dreams but be willing to pay the sacrifice to make them come true.'' African Americans have paid many sacrifices in this country, and tonight the gentleman from Georgia (Mr. LEWIS) and the other Members that are supporting this have had a dream and they have surely paid the sacrifice of their time, their efforts, and all the promotion of this museum, which is going to be such a positive force for our country.

This proposed museum has broad bipartisan support from both Houses of Congress, the administration, and the Smithsonian Institution. It is a worthwhile project that will have a very positive and lasting influence on our country for today and also tomorrow's generations. And I urge my colleagues to support this bill.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3491 on this historic day and to congratulate the gentleman from Georgia (Mr. LEWIS), a living legacy on the culmination of 17 years of work in this House to create this national museum within the Smithsonian. His effort has been part of a broader campaign spanning nearly 90 years to obtain recognition for the contributions of African Americans to our Nation's history and culture. The chairman has said it well. This is a proud day for all Americans and indeed for our country and for this great Chamber. This gentleman of vision will rise later and address this issue.

I also want to congratulate the gentlewoman from the District of Columbia (Ms. NORTON), member of the Committee on Transportation and Infrastructure, as the chairman mentioned, along with the gentleman from Ohio (Mr. LATOURETTE), who has jurisdiction over the project. She vigorously presented the views of the citizens of our Nation's capital who live in the shadow of many museums, monuments, and other historic structures representing America's living history. She is, as we all know, the First Lady of Washington, D.C.

I would especially like to thank the gentleman from Ohio (Chairman NEY) and especially for the sensitivity and his deep appreciation for the historic significance and importance of this issue to his fellow colleagues and to this Nation we are all pledged to serve. He not only expedited the hearings, but he also brought this bill to the floor in a timely manner, so that to paraphrase Martin Luther King, we might be able to say here at last, here at last, thank God Almighty, this bill is here at last.

In addition, I want to thank the majority staff members, Paul Vinovich, who is here today, and George Hadijski. Their efforts, as people on this committee know, in order to move this bill forward were so critical, and again their great sensitivity and concern and outreach to all parties, I think, is testimony to how this committee works and certainly a tribute to the chairman of this committee, and I cannot thank them enough for what they have done this evening. It brings great pride to African Americans, Americans in general, and it makes it an honor for all of us to be a part of it.

I would be remiss if I did not commend the minority committee staff as well, Susan Brita of the Committee on Transportation and Infrastructure, and of course the irrepressible and irresistible Matt Pinkus for his great contribution to the Committee on House Administration and for their work on this bill and previous Congresses on behalf of the two House committees of primary jurisdiction.

We are also here today due to the work of the National Museum of African American History and Culture Plan for Action Presidential Commission, created by Public Law 107–106, which presented this report and recommendations to us on April 2, 2003. In addition to the Commission, the Board of Regents of the Smithsonian has consistently supported the museum while helping us create a new entity that can be appropriately managed within the traditional Smithsonian framework of governance.

I am equally proud of the fact that the AMISTAD America not only supports this, but will be a key part of this museum. I had the great honor to bring many of the members of the Congressional Black Caucus to Connecticut when we christened the *Amistad*, and indeed that was a highlight for me and so many of my colleagues to come to Connecticut and see the christening of this historic boat, and what a historic journey that has been as well.

Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Georgia (Mr. LEWIS), who was responsible for this bill being on the floor.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Connecticut (Mr. LARSON), the ranking member, for yielding me this time.

Mr. Speaker, I rise tonight in support of H.R. 3491, the National African American Museum History and Culture Act. First I would like to thank all of my colleagues who have labored long days, weeks, months, and even years to help realize a dream deferred for nearly 100 years, the establishment of a national museum that documents the significant contributions of African Americans.

It has been my honor and pleasure to work with the gentleman from the State of Georgia (Mr. KINGSTON), my dear friend, but tonight in addition to thanking the gentleman from Georgia (Mr. KINGSTON), I also want to thank the gentleman from Ohio (Chairman NEY) for not giving up, for not giving in, for not giving out. And I thank the gentleman from Connecticut (Mr. LARSON), ranking member, for his commitment to making the National African American Museum a reality. I want to commend the gentleman from Ohio (Chairman LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON), ranking member, for all of their help. It is important to thank Senator BROWNBACK and Senator DODD for championing this legislation in the other body. Tonight I also want to thank our former colleague, Congressman J.C. Watts for his effort on this bill.

The effort to create a National African American Museum has not been easy. It has been a long, hard, and tedious journey. We are here today because Members, staff, and many supporters really never gave up. They did not give out. They did not give in. I want to thank my staff, Tammy Boyd and others, who worked so hard.

When we began this journey, we often said that we must pace ourselves for the long haul and we must keep the faith. We paced ourselves for the journey. We diligently planted our seeds and tilled a sometimes hardened soil. And now the many supporters of the African American Museum can and will finally see the fruit of their labor.

The passage of this legislation will send a powerful message to supporters of the museum that we must organize and mobilize our effort to raise the necessary money to build a National African American Museum.

During every session of the Congress for the past 15 years, I have introduced legislation to establish a National African American Museum. This bill was passed in the Senate but not in the House in 1992, and another bill was passed in the House but not in the Senate in 1994. Today the bill will pass both Houses of Congress. This bill will be signed by the President of the United States into law, and we will build the National African American Museum.

The African American story must be told, and a National African American Museum in Washington, D.C. is critical to telling that story. African American history is the story of hundreds, thousands, and millions of ordinary men, women, and children struggling to survive in a land where they were denied the fundamental rights, dignity, and respect that belong to all human beings. This is the story that we must tell.

We have come a long way in our quest to become one Nation and one people. We have made such tremendous strides that the young people today cannot imagine living in a country where they could not eat where they wanted to eat or sit where they wanted to sit.

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They cannot imagine a country where they could be beaten, shot, or even lynched because of the color of

their skin. Yet, this was the country that I grew up in, and this is the history that we must tell.

The time is long overdue to recognize the contribution of one of the members of our American family. Mr. Speaker, the time is always right to reright, the cause is just, and the time is now. Let it be done on our watch. Let us create a National Museum of African American history and Culture. Again, I thank the gentleman from Ohio (Mr. NEY), the chairman, the gentleman from Connecticut (Mr. LARSON), the ranking member, and all of the staff for bringing us to this point.

I urge all of my colleagues to support H.R. 3491, a National African American Museum.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD), who is an outstanding member of our committee.

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me first thank my chairman and ranking member, the gentleman from Ohio (Mr. NEY), and the gentleman from Connecticut (Mr. LARSON) for their constant sensitivity on issues that are critical to many members and all Members of this House. I am so happy and honored to serve on the committee with both of these giants who share so much of their leadership and reflect their leadership in the work that they do.

Mr. Speaker, I would also like to thank the gentleman from Georgia (Mr. LEWIS) and the former Congressman J.C. Watts for their initiation of this well-deserved project and for their great leadership and sensitivity in bringing this to the House.

Throughout United States history, African Americans have made significant contributions in terms of building up the cultural, business, academic, and civic institutions of this Nation. Without the input of African Americans into the moral, spiritual and political aspects of American life, this country would be a much different place.

In that spirit, I am here to offer my wholehearted support as a cosponsor of H.R. 3491, calling for the creation of a museum devoted to celebrating the history of African Americans in this Nation. The intent of this museum will be to feature the many highlights of African American life in this country from the time of slavery through the era of Reconstruction, the Harlem Renaissance, the Civil Rights Movement, to present-day events.

Our young people of all backgrounds, as well as those most recently arrived in the United States from other parts of the world, must be made aware of the rich traditions added by African Americans to all facets of American life. There are multitalented individuals of African American and other ancestries waiting for approval of this museum's construction to start so that they can begin to shape the content of the museum's offering for the public to enjoy.

There has been much discussion regarding the potential location of the museum. I have the utmost faith that we as a Congress can pass this long-overdue legislation and agree upon a site that will most ably honor the legacy of African Americans while providing the best possible option in terms of a location.

For 15 years, the gentleman from Georgia (Mr. LEWIS) has continuously pushed for the construction of a museum recognizing the extraordinary history and achievements of African Americans. Let us reward his perseverance by passing this bill, H.R. 3491, so the business of building this museum can get underway.

I also want to commend the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Georgia (Mr. KINGSTON), the gentleman from Mississippi (Mr. WICKER), and the gentleman from Ohio (Mr. LATOURETTE), along with Senators BROWNBACK and DODD, as well as many others for the leadership and vision they have shown in working to make this African American museum a reality.

It is time now, Mr. Speaker, that we move forward with the approval of this legislation and allow the African American museum to be witness in the honor of all African Americans past, present, and those generations yet unborn.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), the first lady of the District, who is the ranking member on the Committee on Transportation and Infrastructure that the chairman duly noted in his remarks who was so instrumental in bringing this legislation before us.

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

Ms. NORTON. Mr. Speaker, I thank the gentleman from Connecticut (Mr. LARSON) for his graciousness and for yielding to me. I want to first offer my gratitude to the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) who had to get us all together and work very closely with us so that we could achieve agreement on this bill, agreement that would be accepted by the other body as well. That took some skill.

I need to compliment and thank my good friend, the gentleman from Ohio (Mr. LATOURETTE), the chair of the Transportation subcommittee which has jurisdiction over this bill, the Subcommittee on Economic Development, Public Buildings and Emergency Management, because his patience and graciousness were important here, as well as in not insisting that we have yet another hearing on the bill but move forward rapidly so that the bill could be approved during this session.

But, of course, no one deserves more credit for what we do tonight than my good friend and colleague, the gentleman from Georgia (Mr. LEWIS), whom I knew as a colleague in another life, a colleague in a life in which he was held in just the high esteem that he is held in this body, and that says something. So it is perfectly fitting that the major sponsor of this bill would be the gentleman from Georgia (Mr. LEWIS). Who would have thought 40 years ago that he or I would be here or that there would ever be such a bill.

It is a great tribute to the gentleman from Georgia (Mr. LEWIS) that when he first came to the Congress and was a part of the Committee on Transportation and the subcommittee that has jurisdiction that this is one of the first bills that he authored. So for him, this is a stellar moment. In a real sense what we do tonight is to pick up the baton. It has been dropped over and over again for 100 years. There have been many tries in both Houses. And what is important about what we do tonight is that we brought both Houses together.

I remember being on the committee when we passed the bill, guided it to the floor, thought we had the work done. Tonight, we know we have the work done because we know both Houses approved this bill.

Why an African American museum? I do want to say a word about that. Because there might be museums, perhaps should be museums for many, many kinds of people who have come to our shores. And I take nothing from them when I say that I hope that they attain some such recognition in our city. But no one can doubt that there is no American story without telling the story of African Americans in this country who came to this country as it was being founded, as it was being born, before it was a Nation.

We cannot understand the greatness of our Nation without understanding what our country has overcome. We can know that we can do anything if we come to grips with where we were, understand it, and see where we have come to. We are a Nation who started with original sin, with slavery, and then progressed only to discrimination under law.

And what makes this story so important for us, and for Americans of every background, is to look at the history and where it has brought us. If we start even in this city, the city of my birth, and see the end of slavery, the establishment of the Freeman's Bureau and Howard University named for a Civil War general, but then look at the sad history of this city, the Capital of the United States, where I went to segregated schools and had public accommodations that were segregated. But then look to the poor people's campaign and the march on Washington and the triumph of true Americanism,

this story needs to be told. Because when we get discouraged about not being all we want to be, we need to go to an African American museum and see from whence we came.

Finally, let me say that my own constituents, the people of the District of Columbia, this majority African American city have been in true Thanksgiving that we would get to this day. I commend the Presidential commission consisting of many citizens from across the Nation, including citizens of this town that have worked single-handedly for this bill. But for the people who live here, who consider themselves the guardians of the city's museums and monuments, this is a very special day. We promise to indeed be a guardian of this museum, to work closely with my good friends the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON), with all of those who have supported us on this bill, so we can raise the funds now that we have an obligation in writing, in this bill, from our country to, in fact, realize this bill so that we can all be at the groundbreaking. I thank both gentlemen again for their leadership on this bill.

Mr. Speaker, I am proud to be cosponsor of H.R. 3491, a bill to establish within the Smithsonian complex the National Museum of African American History and Culture. The most important new national museum in decades as we take this giant step to making the museum a reality, praise and thanks must be extended to Congressman JOHN LEWIS, my friend who introduced this bill when he was first elected to Congress and before I was elected to Congress.

My strong support for this bill has several sources. I have been a cosponsor of the museum bill since my first term in Congress in 1991. I have been a member of the Transportation Subcommittee that often considered the museum bill during the several years when the museum was repeatedly debated and voted. The House passed the museum bill during the 103rd Congress only to have Senator Jesse Helms stop it in the Senate. I represent the District of Columbia whose residents consider themselves the guardians of our memorials, a city with a majority African-American population that has watched and waited from the front row for the promised museum. I am a fourth generation Washingtonian with what I must admit is a personal stake that I trace to my great grandfather, Richard Holmes, who walked away from slavery in Virginia long before the Civil War to start a new life and a family in the District, where my family has long awaited the museum. Finally, I am an African-American who joins millions of blacks and people of every color and background that have asked for the promise of an African American museum to be kept.

This bill is a good bill. It lists four sites for the location of the museum. I am pleased to see the working relationships between the Smithsonian and the National Capitol Planning Commission (NCPC) are preserved. The bill provides that the Board of Regents will consult with not only the NCPC and the Commission on Fine Arts, but also the Chair and Vice Chair of the Presidential Commission, and further the Chair of the Commission's Site Subcommittee. The appropriate Congressional Committees will also be consulted regarding the final site selection. The bill also provides for a 50/50 split in cost sharing for the museum, 50% of the cost to be paid by the federal government and 50% to come from the private sector. Finally, the bill authorizes $17m in FY04 for the Smithsonian to carry out its duties under the Act and such sums as are necessary for each fiscal year thereafter.

This bill is especially appreciated, considering that in one form or another this subject has been before Congress for nearly 100 years. Civil War veterans first raised the idea of a memorial as they sought recognition for their service to their country in all its wars and for their ancestors because the country's large population of slaves, free blacks and their descendants were instrumental in building our nation. Colonel Charles Young, the highest ranking African American officer and the third black graduate of West Point asked Congress in 1919 for ''a memorial to the Negro dead and that that memorial be the thing for which these Negroes gave their lives—liberty, justice, equal opportunities and educational facilities, the suppression of lynching by making it a federal crime [and] the abolition of jimcrow [sic] cars.'' No one can doubt that the case for the museum has long ago been made. It was accepted and recognized by Congress as a worthy project, including a $50,000 appropriation even in 1929, at a time when racial segregation was the law of the land.

Much work has been done, and much work lies ahead of us, but passage of this bill will be a giant step forward to placing African American history in its appropriate place in our Nation's story. Mr. Speaker I would like to quote from the museum's mission statement:

''The National Museum of African American History and Culture will give voice to the centrality of the African American experience and will make it possible for all people to understand the depth, complexity, and promise of the American experience. The museum will serve as a national forum for collaboration with educational and cultural institutions in the continuing quest for freedom, truth, and human dignity.''

H.R. 3491 is a historic bill. I urge my colleagues to join me in supporting this bill.

Mr. NEY. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the chairman, the gentleman from Ohio (Mr. NEY) for yielding. I stand tonight to support the gentleman from Georgia (Mr. LEWIS), my colleague, the honorable and distinguished Representative from the 5th District. I want to say how proud I am to, as a freshman Member, to be able to support what he has been working on for these past 15 years and supporting H.R. 3491, the creation of a National Museum of African Culture and History. And I thank the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Ranking Member LARSON), and the gentlewoman from the District of Columbia (Ms. NORTON) for their support in trying to bring this long-term effort of this great Member of Congress to fruition.

And I just want to tell the gentleman how much I appreciate what he has done and how much respect I have for him. When we go back and talk to our spouses sometimes at the end of the week about what the experience was up here, I have said often to her that the gentleman from Georgia (Mr. LEWIS) has been one of the nicest and kindest Members of this body to me, a freshman, reaching out on many occasions to make me feel warm and accepted. So I do take great pleasure in standing here tonight and supporting this.

I hope some day that I will be able to bring my grandchildren through that museum, and I hope he is there to explain to them some of the history that he knows so well, better than so many people, because he has experienced it, and he has brought more to racial healing than hardly anybody I can think of in this country. I commend him for it. I wholeheartedly support this bill.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me close by saying what great pride I have this evening, especially to stand with two colleagues who will definitely be in that museum, to be here with two outstanding Members of Congress who are a living legacy, the gentleman from Georgia (Mr. LEWIS) and the gentlewoman from the District of Columbia (Ms. NORTON). Their deeds speak so highly of their commitment.

This week we will celebrate or look back on the passing of President Kennedy. President Kennedy was fond of saying that communities reveal an awful lot about themselves in memorials, monuments that they create. What a great and lasting tribute my colleagues are leaving through their great efforts with the establishment and creation of this museum.

Mr. Speaker, I look forward to seeing this project through to its fruition.

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

□ 2145

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume. Let me close by thanking the gentleman from Georgia (Mr. LEWIS), the gentleman from Georgia (Mr. KINGSTON), the primary authors of this bill, our colleagues Senator DODD and Senator BROWNBACK, our ranking member, members of House Administration.

I noted earlier that this was going to be for future generations. I need to note also that this is for the memory of all past generations. I urge all Members to support the bill.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of the National Museum of African-American History and Culture Act of 2003, H.R. 3491. This important piece of legislation will establish a national African-American museum within the Smithsonian Institution, a preeminent position on our national mall.

Since the arrival of the first Africans at Jamestown, Virginia in 1619, African-Americans have played an integral role in the overall development of this great nation. We have endured the cruelties and degradation of the Middle Passage, slavery, lynchings, Jim-

Crowism, social injustice, segregation, and discrimination. However, our strong faith and belief in the promise of America has enabled us to persevere in the face of adversity.

In all areas of life, African Americans have made an important contribution. In music, from jazz to hip-hop, African Americans continue to have a strong influence upon our nation's musical heritage. From Langston Hughes and Richard Wright, to Maya Angelou and Toni Morrison, African Americans have enriched this country's literary heritage. We have excelled in film, sports, and business and continue to sow into the life of this nation.

African American scientists, inventors, educators, and physicians, such as Dr. Charles Drew and Dr. Ben Carson to name a few, have and continue to enrich the daily lives of all Americans—from developing blood transfusion and blood bank procedures to learning the path of the mind to perform delicate brain surgery. Inventors, such as Garrett Morris and Granville T. Woods to name just a few, have developed everything from the stoplight and gas mask to critical railway switching technology.

Additionally, we have proudly served our nation with distinction in every war—from the Revolutionary War to today in Operation Iraqi Freedom. The struggle for freedom, equality, and civil rights has always been a struggle for the full realization of true democracy in America. Our legacy is firmly ingrained in the very fabric of this democracy. However, in spite of our triumphs and accomplishments, there does not exist a national museum located in Washington D.C. on or near the National Mall dedicated to the documentation of African American history. This bill creates such a museum.

The National Museum of African American History and Culture would properly collect, preserve, exhibit, and honor, on a national level, the period of slavery, Reconstruction, the Harlem Renaissance, and other periods associated with African American life, art, history, and culture. Not only will this national repository of the Black experience in America be viewed by millions of tourists who flock to the nation's capital each year, but will be accessible to students and scholars alike. It will also demonstrate to our youth that they can take pride in their rich cultural heritage.

Mr. Speaker, I urge my colleagues to lend their support to this important piece of legislation. I would just like to take this opportunity to thank my distinguished colleague, Representative JOHN LEWIS, for his tireless dedication and leadership. Mr. LEWIS has committed more than 10 years of his life to the vision of a national monument celebrating the legacy of African Americans on the national mall. We are now on the verge of making that dream a reality. Please support this bipartisan bill.

I also extend my sincere appreciation to Representatives JACK KINGSTON and ROGER WICKER, and Senators SAM BROWNBACK and CHRISTOPHER DODD for their leadership.

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

The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 3491.

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. LEWIS of Georgia. 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. NEY. 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. 3491.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Ms. BERKLEY. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Ms. BERKLEY 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 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.

Ms. BERKLEY (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 Nevada?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from Nevada (Ms. BERKLEY) and the gentlewoman from New Mexico (Mrs. WILSON) each will control 30 minutes.

The Chair recognizes the gentlewoman from Nevada (Ms. BERKLEY).

GENERAL LEAVE

Ms. BERKLEY. 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 this motion to instruct.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

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

Mr. Speaker, I rise to offer a motion to instruct the conferees on the Medicare Prescription Drug Bill to provide a much needed payment update to physicians for the next 2 years.

I represent Las Vegas, which is home to the fastest growing seniors population in the United States. In my community, we are facing a health care crisis. The rapid growth of southern Nevada has put a strain on the health care system, and many doctors face a tough choice when it comes to treating Medicare patients because reimbursements are not keeping up with the costs of practicing medicine. In addition to staffing costs and utilities and rent, malpractice insurance for doctors in my community has skyrocketed anywhere from 150 to 400 percent.

We rely on our doctors to treat more than 150,000 seniors under the local Medicare system; but with the cost of doing business so high and the demands for their services at a premium, in many instances our doctors cannot afford to see new Medicare patients. We used to talk about the quality of health care, but the situation is becoming so bad that we are no longer talking about the level of treatment the patient receives, but whether or not they will receive any treatment at all.

My community is struggling to attract enough medical professionals to address the health care needs of our ever-expanding population. But how can we expect more doctors to see more Medicare patients if we continue to cut payments to doctors under Medicare? If we do not act soon, there will be another 4.5 percent reduction in reimbursements to physicians who are treating those who depend on their physicians' care the most, our seniors.

If we allow this to happen, the result will be a loss of $17 million in payments to physicians in my State of Nevada alone. The time is long past due that we increase these payments which have limited medical providers from expanding the number of patients receiving care. I have heard from doctors in Las Vegas who say they want to treat Medicare patients, but they are being forced to choose between taking on new Medicare patients or keeping the lights on in their offices and their practices solvent.

According to the AMA, since 1991 the cost of practicing medicine has gone up by more than 33 percent, but payments have grown less than 10 percent. For years doctors have provided important tests for seniors for cholesterol, depression, blood pressure, vision, and hearing impairment without any reimbursements from Medicare.

Medicare reimbursements for primary care are inadequate, and in January they will be too low for many doctors to continue to serve Medicare patients. Just last year, doctors' payments were cut by 5.4 percent; and if we allow them to be cut once again, this will be the fifth reduction since 1991 and would place doctors' reimbursements 8 percent below 2001 levels. It does not make any sense to be cutting payments to doctors when the

costs of practicing medicine are on the rise.

Our doctors simply cannot afford to take any more cuts. Already one-quarter of the family physicians across the Nation are saying they can not accept any new Medicare patients. Who knows how many more will choose to do the same in January when they are told their reimbursements have been slashed once again?

As a Nation we must provide our doctors with the means to treat and provide health care to our citizens. This motion would instruct the conferees to protect the language in the House version of the Prescription Drug Bill that would reverse the cut to our physicians while providing a 1.5 percent increase in payments for the next 2 years. To fund the increase in payments to our doctors, this motion strikes funding for privatization provisions in the Prescription Drug Bill.

The Centers for Medicare and Medicaid Services estimated that under a privatized Medicare, premiums would skyrocket for the seniors who choose to stay in traditional Medicare. I am concerned that by increasing the premiums of traditional Medicare, many patients would be forced into HMOs and other private plans. This 1.5 percent increase will give doctors nationwide enough to continue to treat seniors on Medicare, and it will give Congress time to develop and permanently fix this flawed system that shortchanges doctors and continues to restrict the ability of seniors to access health care services.

I ask my colleagues to work with me to fix the Medicare physician reimbursements formula which currently threatens to destabilize the Medicare program. Seniors rely on their doctors and the medicines they need to stay healthy. Seniors have waited too long for a prescription drug benefit in Medicare and relief from high prescription drug costs. We must work together for a drug benefit that prevents seniors from risking their health by cutting pills in half or having to choose between paying for medicine and paying for their rent, their electricity or even the purchase of their food.

For 4 decades this Nation promised that Medicare would provide health care for all seniors. It is a program that ensures these hardworking older Americans who have paid taxes and have paid into the system will have health care coverage.

I urge my colleagues to vote for this motion to allow our constituents to continue to choose what doctors they see, what hospitals they are treated in, and to continue to access the highest quality of care.

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

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a little bit hard for me to understand why we are going to vote on this motion to instruct or why my colleague from Nevada has offered it, because the conference committee on the Medicare bill has already agreed that we are not going to have the provisions in there that she is worried about that we are going to adjust the physician payments.

In fact, the American Medical Association has written to us asking us to strongly oppose the Berkley motion to instruct and urges the conference to pass the pending Medicare conference report. So, in fact, I think the problem that the gentlewoman has addressed or has identified here has already been addressed in the conference report to the satisfaction of physicians nationwide. Perhaps to explain this a little bit more fully we will turn to a physician.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS), who is an OB-GYN and he has worked very hard on issues related to health care.

Mr. BURGESS. Mr. Speaker, I thank the gentlewoman from New Mexico (Mrs. WILSON) for yielding me time.

Mr. Speaker, I confess to being a little bit mystified as to why we are here tonight with a motion to instruct conferees when the conference report appears to have been decided; but I am just a simple country doctor, and I do not always understand the ways of Congress.

But the motion to instruct as I understand it would strip out important competitive provisions in the Medicare conference report and redirect funds allegedly towards reimbursement of physicians. The conference committee has reportedly included a provision that will provide physicians with positive updates in 2004 and 2005. That is not a permanent solution. It does provide Congress with the time it needs to make long-term substantive changes to the Medicare physician payment formula. It will also ensure that Medicare beneficiaries continue to access high-quality health care.

That is why the American Medical Association, the American Osteopathic Association, and the Alliance of Specialty Medicine all strongly support the House Medicare bill.

I am aware the supporters of the motion are attempting to portray this as a choice between HMOs or doctors; and this is false and the authors know it is false. However, do not take my word for it. Listen to what the AMA has to say about this motion: ''Simply attempting to transfer dollars from patients to physicians through some ambiguous, unspecified mechanism, as is intended under the motion to instruct, would not change the flawed Medicare payment formula and thus would not ensure long-term access for Medicare patients.''

As mentioned before, the House bill increased reimbursements for physicians and is supported by the physician community. It also provides seniors with more choices under Medicare and attempts to make some long-term competitive reforms so that Medicare is available and on sound financial footing for generations to come.

Mr. Speaker, Medicare spends $247 billion a year as it stands. The gentlewoman that offered the motion to instruct is from Nevada and, of course, Nevada has had a serious problem with liability in recent years. In fact, a study by Kessler in 1996 showed that with two diagnostic codes, $50 billion a year could be saved in Medicare if we did not have to bear the costs of defensive medicine in this country. That $50 billion would more than fund the $40 billion a year with which we are seeking to add a prescription drug benefit.

The House-passed Medicare bill does not ever require that Medicare beneficiaries leave traditional Medicare. I might add that we will have a new outpatient drug prescription drug benefit available to beneficiaries. Anyone who says otherwise either does not understand the legislation or does not care to talk about the facts.

This is an irrelevant motion introduced only to score political points. I urge Members to recognize it for what it is and to vote against the motion.

Ms. BERKLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from Nevada (Ms. BERKLEY) for her leadership on health care issues and for her advocacy on behalf of seniors, especially in Nevada, and around the country.

Mr. Speaker, I normally when speaking on the House floor do not quote from a television show, but I would like to start this evening with several of my colleagues. The gentlewoman from Ohio (Mrs. CAPPS), the gentleman from Rhode Island (Mr. KENNEDY) and maybe some others, maybe the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Massachusetts (Mr. DELAHUNT) are going to speak on this too.

I am quoting from Al Hunt on ''Capital Gang.'' If you have seen that show, those people watching, you know he does something called the ''Outrage of the Week.'' He says: ''Now for the outrages of the week. The American Association of Retired Persons, the largest lobby for the elderly, is on the verge of selling out many seniors on the Medicare bill.'' This is a commentator saying this, not me. ''The legislation as it now stands would deny 4 million retirees coverage they currently get, would give sweeping new powers to HMOs over the traditional one for Medicare,'' basically a $12 billion pay-off to the insurance companies, ''and would gut a measure approved by both Houses to facilitate importation of cheaper prescription drugs from Canada,'' from countries that charge two and three and four times what the drug companies do in this country.

''The AARP Washington lobbyists apparently care more about their own influence than what they can do for struggling seniors.''

Mr. Speaker, we should not be surprised by this. Let me share some comments, some articles written about AARP which most of us in Washington know is one of the largest insurance companies in the country.

In Newsday 3 years ago, ''Critics say AARP, which formally unveiled its new headquarters building in downtown Washington last month, has softened its earlier militancy because it is preoccupied with its profit-making enterprise, including $100 million in earnings from the sale of insurance.''

□ 2200

The Denver Post wrote not too long ago, ''AARP receives more than $100 million in revenue from health insurers.''

Newsday wrote, ''Critics suggest that AARP's substantial profits from the sales of insurance policies, drug company advertising,''—no surprise there either considering they sold out to the drug industry on this one,—''drug company advertising in its magazines, and investment schemes conflict with its interests on behalf of seniors. AARP President William Novelli acknowledged complaints from members that AARP has been too timid in the political battles to defend Medicare and Social Security. He conceded that AARP has pulled its punches since right-wing groups and Members of Congress criticized it.''

Capital News Service wrote, ''AARP's pharmacy service,''—its connection to the drug industry, think about that,—''is part of its insurance sales operation which generated $101 million in revenue last year, 17 percent of the organization's total budget.'' No wonder they are there for this bill that enhances the profits of the drug industry, $150 billion it enhances their profits and gives a $12 billion blank check to the HMOs in this country.

Milwaukee Journal says, ''AARP receives millions of dollars from UnitedHealthcare, a national health insurance firm based in Minnesota.''

Now, Mr. Speaker, in the last minute or two before yielding to my friends, I want to mention that Mr. Novelli, who is the head of AARP, who did the negotiations, these tough-minded negotiations with the drug companies and the insurance companies, Mr. Novelli wrote the preface to Newt Gingrich's book on how to reform Medicare.

Newt Gingrich is the guy that first thing after Medicare passed in 1965, only 12 Republicans voted for it. Bob Dole voted no. Donald Rumsfeld voted no. Strom Thurmond voted no. All kinds of Republicans voted no. In those days, Republicans did not like Medicare. They say they do now, but then Newt Gingrich, when the Republicans finally took control of the House in 1995, the first thing Newt Gingrich did was cut $250 billion from Medicare to do what? Guess. To pay for a tax cut for the richest people in the country. Same old story.

Mr. Novelli has decided he is buying in. The head of AARP writes the preface to Newt Gingrich's book on how to privatize Medicare, the same Newt Gingrich that said: If I have my way, Medicare's going to wither on the vine. The same Newt Gingrich that said that.

Mr. Novelli writes, ''Newt's ideas,'' and they are on a first-name basis obviously as much time as they spent together trying to dismantle Medicare, ''Newt's ideas are influencing how we at AARP are thinking about our national role in health promotion and disease prevention and in our advocating for system change.'' If only his 40 million members knew that he was in league with Newt Gingrich to try to privatize Medicare; that he, Mr. Novelli, was in league with the drug industry which will gain $150 billion, billion with a B, that is twice what we are spending in Iraq, $150 billion to the drug industry and a $12 billion insurance payout to the insurance companies. That is like 1,000 times more than Halliburton is still paying DICK CHENEY, the Vice President of the United States.

These things are pretty incredible, Mr. Speaker, when we think about the money that AARP is going to make from this bill. They are going to get in line behind the drug companies and the insurance companies with their hand out.

Mrs. CAPPS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentlewoman from California.

Mrs. CAPPS. Mr. Speaker, I thank my friend the gentleman from Ohio (Mr. BROWN) for yielding to me.

I want, first of all, to acknowledge this motion to instruct conferees and thank my colleague from Nevada. It is very appropriate that this motion be submitted at this time as we are aware that the conferees on the Medicare modernization bill are meeting, but some news has been trickling out, even though to my knowledge there are Members only on one side of the aisle attending that conference report from the House of Representatives, and so it is just bits and pieces of news that come.

I am thankful that my colleague from Ohio mentioned the fact that AARP has endorsed this legislation which we really have not seen yet, but they must know some things about it, and I just want to say to my colleague that I sent Mr. Novelli a letter today resigning my membership, withdrawing my membership from AARP. I remember so clearly members from the organization from the Washington office coming to my office to tell me in very strong language this summer about the four principles that they were high bound must be in a prescription medication bill, a Medicare modernization bill, including defined benefits, including no means testing, including other standards, all of which are fast disappearing from the legislation as it is being prepared to bring to the floor for a conference vote before we adjourn here.

As this discussion goes on, I cannot get out of my mind the faces of the seniors in my district, several meetings over the past several weeks that I have had with them, seniors who signed up for Medicare+Choice, that partnership between the private sector, the HMOs, the insurance companies and Medicare, a volunteer program, voluntary program that they signed up for to help pay their prescription medications. In my congressional district which is, a lot of parts of it are rural, one after another of these HMOs after raising their premiums, after raising their copays, have left. In parts of my district, there is no choice for seniors but straight Medicare or medigap programs, and in other areas, there is one program just hanging on by a thread.

So the high cap program, the part of Medicare that provides a voluntary counseling service, had gathered seniors together to explain to them why they got this letter from the HMOs saying that they were going to withdraw from the area, not serve them any longer, confuse seniors in their eighties, many of them with health conditions. They were frightened. They were frustrated, and they do not want this legislation. They know very well what happens when we begin the process, which this bill most certainly will do, to take us into privatizing of Medicare, exactly what the former speaker, Mr. Gingrich, had in mind when he became Speaker of the House in the last decade.

This bill, the House bill and the Senate bill which are now being reconciled, are trying to impose an untried and really unnecessary privatization scheme. Medicare works. The piece that needs to be modernized is the prescription benefit. Privatizing Medicare will, contrary to what someone from the other side of the aisle said, will not give seniors that backup, because it will force and by bribing the HMOs, by putting money up front to the HMOs, which this motion to instruct seeks to remove, by bribing the HMOs to come into an area, the folks who are left with Medicare, straight Medicare will be the older and the sicker seniors, because those HMOs will raise their rates. They will raise their premiums, they will cherry pick, and only the sick seniors, the old seniors who have the highest costs will be left with straight Medicare. That is not a choice and that is going to happen. It will be happening before the end of this decade if this bill is passed and goes into effect.

This is something our seniors know very well, and the seniors who have contacted my office today in response to my removing myself from AARP are thankful that we are speaking up because they know that this is something that will not benefit them.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

I think all of us agree that Medicare is one of the most successful health

care programs in the history of this country, and I think all of us have a right to be proud of what we are about to accomplish here because we have been elected to make a difference. All of us come here to make a difference on things that matter to the people that we serve, and a large number of national organizations, including the AARP and the American Medical Association, the hospital association, have all endorsed what we are about to accomplish.

I am very pleased to welcome this evening the other doctor from the State of Georgia (Mr. GINGREY) to explain further what this bill is going to do for Americans.

Mr. Speaker, I yield 3½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from New Mexico for yielding time to me.

Mr. Speaker, there they go again. They do not like the message so they start trashing, trashing the messenger, and in this case, the messenger just happens to be 35 million seniors who are members of the AARP. Excuse me, 35 million less one. The gentlewoman from California just told us that she resigned.

This is a solution, Mr. Speaker, in desperate need of a problem. The motion to instruct conferees, like so many that the minority has offered before, serves no useful purpose in this debate. They are simply political tools used in a desperate attempt to divert attention away from the fact that the Republican House will in a matter of days deliver, it will deliver on its commitment to providing seniors with access to meaningful, affordable and comprehensive prescription drug coverage.

Mr. Speaker, I support properly reimbursing physicians. The House bill did that and so does the bipartisan Medicare conference agreement which is why it is supported by a number of medical societies, including the American Medical Association.

Listen to what they say: ''The American Medical Association strongly supports passage of the Medicare prescription drug conference report, which currently includes historic and critical provisions for improving choice and access for Medicare seniors and disabled patients. In addition,'' Mr. Speaker, ''in addition, the conference report would halt 2 years of impending Medicare payment cuts to physicians and other health professionals and replace them with payment increases of at least 1.5 percent per year. Because the Medicare conference report includes these critical provisions for improving choice and access, the AMA strongly opposes the Berkley motion to instruct and urges Congress to pass the pending Medicare conference report before they adjourn.''

If the gentlewoman from Nevada is serious about wanting to help our Nation's providers, our physician providers, and I trust that she is, I would urge her to reconsider her opposition to medical liability reform legislation such as H.R. 5, the HEALTH Act, the tort reform bill, a bill that was strongly supported by both the AMA and the Nevada Medical Association. The other body has not acted yet, so the gentlewoman will have yet another chance to truly support physician providers.

Mr. Speaker, I strongly support the bipartisan Medicare conference agreement, and we will soon consider this on the House floor. This motion to instruct no longer serves any purpose. Indeed, the provisions related to Medicare competition that the gentlewoman references in her motion are not even part of the final conference committee agreement.

I urge my colleagues to join me in rejecting this motion to instruct and supporting the final Medicare conference agreement.

Ms. BERKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank the gentlewoman from Nevada for offering this motion, and I reject those who would call it political.

Yes, believe it or not, we are in a political body, and yes, believe it or not, we live in a democracy where we are Representatives of the people, and we represent those folks the best we can. The gentlewoman from Nevada is doing her job in highlighting the fact that the Republican conference report on the Medicare bill is a sham.

If this was about prescription drug coverage, we would have it all done. There is no disagreement from anyone about the fact that prescription drug coverage ought to be passed. We are talking about $400 of prescription drug coverage for seniors. It would be done tonight. We could have it on the President's desk. There would not be one person against it other than those who are dead set against any kind of Medicare improvement whatsoever.

The problem the gentlewoman has accurately identified is that this premium support plan that is essentially part of their reform is untenable. It is untenable because the nature of senior citizens, their high risk of needing health care, is such that, guess what, we needed the Medicare program because when we relied on the private sector, the private sector was not there.

□ 2215

That is why we have the Medicare program, for those who do not understand what we are talking about tonight. We have the Medicare program because when left to the private sector, they did not cover seniors because they were too high risk.

So what do the Republicans propose? They propose going back to the days before we passed Medicare, where we left the seniors' health care to private insurers. Now, what are private insurers going to do? Guess what, they are going to have to figure out a way to make a profit. How do you make a profit with risk insurance when you have someone as high risk as a senior citizen? Well, if you are smart about your insurance practices, you try to avoid the risk. That is the whole nature of insurance, to avoid risk.

I hope I am not telling anyone anything new, but that is the nature of insurance. So you avoid risk, and that means avoid the sickest seniors. Avoid the seniors who will cost the most. And there will be no argument from the other side on this because it flies in the face of the for-profit nature of the HMO companies that they are about to turn our Medicare system over to.

So you avoid all the seniors that are costing you, you take the seniors that do not require much health care and you want to sign them up. And then what do you do? What happens to all those seniors that are not signed up? Oh, you propose to leave them in the traditional Medicare program, but will increase the premiums of part B on the traditional Medicare program to cover the increased cost that the Medicare program will incur. And the Republicans put a provision in the Medicare program saying that if it should exceed certain cost guidelines, then we will have to come back to Congress to figure out what to do.

Well, guess what is going to happen then? At that point you will say, well, we are going to have to dismantle Medicare because, guess what, it just is not working. Well, you are setting it up not to work. You are underfunding it. And if my colleagues do not believe anything I am saying, just understand this. Who is in favor of this bill? The pharmaceutical industry. Why are they in favor of this bill? Because it does not do what needs to be done to take on the pharmaceutical industry and say you need to give in this matter.

Thirty percent profit rates for the pharmaceutical industries are too much when our seniors are barely able to make it buying the prescription drugs they need and affording them the health and other things they might need in terms of housing and food and the like. The pharmaceutical companies like the Republican bill.

Who else likes the Republican bill? Guess what, the insurance companies like the Republican bill. And as the gentleman from Texas (Mr. DELAY) has said before, and the gentleman from California (Mr. THOMAS), the chairman of the committee, and so we do not misunderstand their intentions, because they said it very clearly, and here is the chairman of the committee: ''To those who say that the House bill ends Medicare as we know it, our answer is: we certainly hope so.''

Well, my friends, if senior citizens are comfortable with the fact that the future of Medicare is in the hands of those who believe in the private sector, then so be it.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Sometimes I feel here like we are looking through the looking glass, like in the Alice in Wonderland book. Sometimes things people say do not make any sense to me at all. I do not understand how can people say we have underfunded, when we are just about to add $400 billion in new benefits to Medicare.

When Medicare was started back in 1965, medicine was only 1 percent of the cost of health care. We did not have the miracle medicines that we have today. Cancer, the diagnosis of cancer in 1965, was a death sentence. Today, people survive it because of medicine. And yet we have a system under Medicare that will pay for a diabetic to go into the hospital and have their foot amputated but will not pay $29.95 a month for the Glucophage to control blood sugar.

That is why so many seniors in New Mexico have opted for something called Medicare+Choice, because that is the only thing in Medicare that has given them something of a prescription drug benefit. Now, this is my card as a Member of Congress. I am actually a member of an HMO, like a whole lot of New Mexicans. It is very common in New Mexico. Forty percent of seniors in New Mexico take advantage of these kinds of plans because it has given them some choice and some options, when Medicare has not given them that choice before.

What we are adding to Medicare this week is a guaranteed benefit not just for people who are fortunate enough to live in Albuquerque, New Mexico, but for everybody else who has not had that opportunity: a guaranteed benefit under Medicare to add prescription drugs. That reduces the cost of medicine for everybody, and that gives people choices and options.

I think people want choices. If you are in Santa Rosa, New Mexico, maybe you want to get your prescription drugs by mail order. My family, we like to get it at the pharmacy, at the Journal Center at Loveless, just because that is convenient for us; but seniors should have those choices.

The other thing I think is important to seniors is that this is voluntary. If there is a senior, and I know a lot of veterans who are already covered by the VA or folks who have earned their health benefits through employment and they have great retiree plans, they do not have to sign up for this if they do not want to. But for those who do not have that coverage now, they will have the opportunity to get prescription drugs through Medicare.

Now, why does all this matter? I mean, we talk here about deductibles and donuts and all these kind of things; but I had somebody call my office recently, her name is Bertha Griego, and she is a wonderful lady who is 74 years old. She has lived all her life in New Mexico, and she talks with affection about the 1929 Model T her dad had driving around the dirt roads of New Mexico. She is a wonderful lady. And like most of our parents and grandparents, she has a growing list of ailments. Some of them are serious; some of them are just annoying. But prescription drugs have allowed her to live a relatively healthy life in her senior years.

Last year, she paid $1,700 for the whole year just in copayments for her medicine. She is on a fixed income. Her husband, Robert, also has medical bills; and he gets Social Security. He has a small pension. All together they earn about $16,000 a year. Well, when you pay the groceries and the light bill and the heating bill, the checking account gets a little short by the end of the month. And that happened recently.

Mrs. Griego ran out of money in the checking account 7 days before the next check came in. She also ran out of Lovexil, which is a medicine she takes for her thyroid problem. The pharmacist told her if she did not buy her medicine in the next 7 days, she would get a little groggy and tired in the meantime. And that is what happened. But Mrs. Griego could not get her pills until she had her check.

In New Mexico, 52 percent of seniors are low income, including Bertha and Robert. When we pass this legislation, and we get this program in place, Bertha and Robert will not have to wait for the next Social Security check to come in to buy their medicine. And that is why this matters. That is why we have a responsibility to do what we can with what we have from where we are and start making a difference for the problems that affect the people we care so much about.

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

Ms. BERKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentlewoman for yielding me this time, just a couple of seconds to respond to the gentlewoman from New Mexico.

The fact of her being so passionate about seniors I do not question whatsoever, but if she was truly interested in helping those low-income people, then how come her votes and those of her colleagues repeatedly have cut the very programs on behalf of the people that she says she is trying to help? Instead, her party votes to cut taxes for the richest 1 percent of our population, those with incomes over $350,000, by nearly $2 trillion. And two-thirds of that goes to the wealthiest 1 percent.

And I might add that when they are done with this Medicare bill, they are going to give all the money they cut; they are going to add to special interest money for those with HMOs and those with pharmaceutical interests. And do not take my word for it; just look at the Wall Street Journal. The HMOs and the pharmaceutical companies are jumping up and down thanking the gentlewoman from New Mexico for giving them a gift.

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

Mr. PALLONE. Mr. Speaker, I have a great deal of respect for the gentlewoman from New Mexico, and also the gentleman from Georgia, but I have to say I feel like I am listening to Alice in Wonderland when I listen to what the two of them are saying about this Medicare conference report that we are about to vote on in a few days.

The gentlewoman said that Medicare is very successful, and she pointed out that we are adding $400 billion to the program. But I would ask a very simple question: If it is so successful, why do we not just add it as a drug benefit and give the seniors the $400 billion for their prescription drugs?

That is what the Democrats proposed. We said, right now you have part B where you pay so much, I think it is about $50 a month for your doctor's care, a $100 deductible, 80 percent of the cost paid for by the Federal Government, and 20 percent copay. That is what the Democrats proposed. We said, do the same thing with prescription drugs: have the seniors pay $25 for a premium, a $100 deductible, 80 percent of the cost paid for by the Federal Government, 20 percent copay up to a certain amount, and then it becomes catastrophic. But that is not what the Republicans did.

The reason that the gentlewoman from Las Vegas is proposing this motion is because she does not want to give money to the HMOs. She does not want to force seniors to have to go to an HMO to get their prescription drugs. She says, let us give this money in this case to the doctors or let us give it to the seniors in some way so they benefit from it.

I totally agree with the gentlewoman that we need to provide prescription drug coverage and preventive care for seniors, but then why are the Republicans giving away money to the HMOs? Why are they forcing seniors to go to an HMO to get their prescription drug coverage? Sure, if someone wants to join an HMO, like in my State, some people do get their drug coverage, I have no problem with that; and I know the gentlewoman does not. But this forces the seniors into the HMO. My colleagues are saying they have to join an HMO in order to get the prescription drug coverage. And that is not fair. That is not choice. That is not voluntary.

Now, the gentleman from Georgia, said, well, we are providing with this Medicare agreement meaningful, affordable, and comprehensive coverage. That is simply not the case. First of all, seniors are being forced into an HMO. The Republicans are privatizing Medicare in the long run. But think about this benefit that you are giving the senior citizens. First of all, we do not even know what the premium is, so it may not be affordable at all. There is no set premium. We know that the deductible is $275, not $100, like it is for part B. And then there is, in fact, as the gentlewoman mentioned, this huge donut hole when you do not get any

coverage at all. So the seniors in the long run are going to be paying more out, in my opinion, than they are going to get back.

Now, yes, this is a voluntary program. But what good is it if nobody sees fit to sign up for it because they will be forced into an HMO or they will have to pay so much money out of pocket that they do not get a meaningful, affordable, or comprehensive benefit the way the gentleman from Georgia described? None of that is the case here.

Finally, why can we not have real competition? Let us have the Medicare administrator negotiate price reduction. That is not in this bill either.

□ 2230

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill does not force anybody to join an HMO, but seniors have the right to choose to get their medicine from managed care if they want to. Or if they want to, they can choose a stand-alone prescription drug plan or they can have it integrated with a fee-for-service plan that works for them.

People choose different ways to get their health care. My family has made our choice, and we are comfortable with why we make those choices for a lot of reasons, but we should have enough variety in this new system so we do not have a one-size-fits-all system, and that seniors have the right to choose, whether it is a stand-alone prescription drug program, a mail order program, added to fee-for-service, or rolled into a managed care plan, if that is what citizens want, that is what we have tried to do.

I have to say, in the end, this program is being supported by a pretty broad array of organizations who see it for what it is, a very good step towards providing prescription drugs to seniors in this country.

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

Ms. BERKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

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

Mr. Speaker, I would like the gentleman from Georgia to know he is going to have to continue doing the math and subtraction because the gentlewoman from California (Mrs. CAPPS) is not alone in resigning her membership today. I resigned mine, and I also circulated a letter here on the House floor, and within 30 minutes I had over 50 Members sign a letter to Mr. Novelli saying they were resigning their membership because of his change in his positions with AARP determining that it is more important to protect their insurance industry and their own insurance company than protecting the membership of AARP.

I want Members to know each time one of us announces that we have resigned and our constituents hear of it, we get calls back saying oh, I am resigning, too. I want to tell Members when the seniors in this country catch on to what the other side of the aisle are doing to them, they are going to want to resign.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not old enough to join AARP, but since they have become such a big part of this debate, I want to read what they have said. It is not an unqualified endorsement. I have never seen the perfect bill yet in this job, but it is a pretty good bill. I think the AARP came to that conclusion. I would like to enter their statement into the RECORD, but maybe reading some parts will explain where they are coming from. It is dated November 17, 2003, AARP endorses Medicare prescription drug bill, and this is directly from them.

''AARP today announced its strong endorsement of the prescription drug bill offered by the conference committee and will work vigorously for its passage.

''AARP believes that millions of older Americans and their families will be helped by this legislation. Though far from perfect, the bill represents an historic breakthrough, an important milestone in the Nation's commitment to strengthen and expand health security for its citizens at a time when it is sorely needed.

''The bill will provide prescription drug coverage at little cost to those who need it most: People with low incomes, including those who depend on Social Security for all or most of their income. It will provide substantial relief for those with very high drug costs, and will provide modest relief for millions more. It also provides a substantial increase in protections for retiree benefits and maintains fairness by upholding the health benefit protections of the Age Discrimination and Employment Act.

''AARP is pleased by the improvements made to the conference report in recent days. A new structure called ''premium support'' which required competition between traditional Medicare and private plans was downsized to a limited test starting in 2010, which has significant protections for those in traditional Medicare. The government will provide coverage in areas where private plans fail to offer coverage. The integrity of Medicare will be protected.

''An unprecedented $88 billion will encourage employers to maintain existing health retiree benefits. The legislation will help speed generic drugs to market and add important new preventive and chronic care management services. Finally, this legislation protects poor seniors from future soaring prescription drug costs.

''AARP is launching a national grassroots, advertising and information campaign this week to explain the legislation and urge bipartisan support for its passage.''

Sometimes we get the kind of lukewarm endorsement around here that Members just pull a sentence or two of. This is not one of them. This is unqualified support from an organization that is not known for supporting Republican provisions in bills, frankly. And I think we got to this point because we put aside partisanship and politics and focused on making a difference for the people that we came here to serve.

I think we have a right to be proud of what this body and this Congress as a whole is about to achieve this week. I welcome and commend the AARP for setting aside its traditional focus on sometimes which party Members are in and focusing on policy and not on politics.

AARP ENDORSES MEDICARE PRESCRIPTION DRUG BILL

AARP today announced its strong endorsement of the prescription drug bill offered by the conference committee and will work vigorously for its passage.

AARP believes that millions of older Americans and their families will be helped by this legislation. Though far from perfect, the bill represents a historic breakthrough and important milestone in the nation's commitment to strengthen and expand health security for its citizens at a time when it is sorely needed.

The bill will provide prescription drug coverage at little cost to those who need it most: people with low incomes, including those who depend on Social Security for all or most of their income. It will provide substantial relief for those with very high drug costs, and will provide modest relief for millions more. It also provides a substantial increase in protections for retiree benefits and maintains fairness by upholding the health benefit protections of the Age Discrimination and Employment Act.

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AARP is launching a national grassroots, advertising and information campaign this week to explain the legislation and urge bipartisan support for its passage.

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

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

I am absolutely astounded by the continued nonsensical talk about bipartisanship when the Democrats were not even allowed in the room when the decisions were made, when consumer groups were excluded, when there was absolutely no interaction of bipartisanship on this bill, and I dare say that we have not even seen the legislation yet in its completed form because it has

yet to come from the House leadership so all of us can review this. So this bipartisan discussion is nonsense.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO) to enlighten all of us.

Mr. DEFAZIO. Mr. Speaker, the gentlewoman from New Mexico (Mrs. WILSON) mentioned the VA. I assume she is aware as a veteran that the VA negotiates on behalf of all of America's veterans, and they have negotiated prices and the extortionate cost of pharmaceuticals of about 60 percent. That is how we can afford to give them very inexpensive medications with a very small copayment.

Those are similar to the reductions in Canada, about 50–60 percent, but the Republicans have prohibited in this legislation that the government should negotiate on behalf of the 40 million people in Medicare any reduction in the price of pharmaceuticals at the behest of the pharmaceutical industry. This bill also prohibits the importation of drugs from Canada. They say, no, it does not do that, we are going to give the authority of the Secretary of HHS to reimport the drugs, but guess what he has already said, he will not do it because they are not safe. But, in fact, arguably drugs, U.S. manufactured, FDA-approved drugs are safer when they come back from Canada because their supply chain is left corrupt in Canada because it is controlled by the government and because they negotiate 50–60 percent reductions in the price.

The gentlewoman talks about competition. Guess what, the insurance industry who the gentlewoman wants to subsidize with $20 billion is exempt from antitrust law. They can throw out any senior at any time. We may get a 1-year plan from a company, but it is like every other form of insurance in America today, file one claim, next year you are back in the Medicare fee-for-service plan where the premiums have gone up because the industry has cherry picked people out until they need the service. They will give them a service grudgingly until the end of year until they can cut them off.

The people in my district know HMOs, they know them really well. The HMOs pulled out. They said we are not making enough money in southern Oregon, we are pulling out of southern Oregon, and they did. Now, there are no options. So we are going to put people back into the plans and the graces of the private insurance industry, after giving them a $20 billion subsidy without subjecting them to antitrust law and exempting them from any negotiation by the government to reduce the price of pharmaceuticals. This is a giveaway to the pharmaceutical industry, plain and simple.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is true the VA does negotiate very hard to get low costs for veterans in their system; and the reason and the way they do that is the same way we are going to see under these new plans because it is kind of like when Americans go down to Costco or Price Club, when buying in bulk, consumers are going to get a better price.

Mr. DEFAZIO. Mr. Speaker, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I would ask the gentlewoman just to clarify, is the VA part of the government and are we prohibiting the rest of the government from negotiating on behalf of seniors?

Mrs. WILSON of New Mexico. Mr. Speaker, reclaiming my time, I would be happy to answer the gentleman's question in my own way here.

The VA does negotiate low prices because they have the leverage of having a lot of people who use the medicine. That is the same concept we are applying here, that there are large groups of people who can get a better price and get lower costs because they do it together. There is a group rate, just like we do if we go into Denny's with a large party, diners get a group rate and a lower cost.

The estimates are that the cost of medicine will go down between 15–25 percent, and we do not say that there has to be a Medicaid price. The companies can negotiate a low price, as low as they can get, and we give them leverage to do so. I think that is the way to go. And I think that guaranteed benefit is the way to go in this program.

Mr. Speaker, in closing, we are about this week to pass historic legislation that has been a long time in coming. This House has passed Medicare prescription drug bills twice before, but this is the first time that the Senate has also passed something and we can meet together in the middle. Contrary to the protestations by some of my colleagues, there actually were Democrats in the room, Senator BAUCUS and Senator BREAUX have both signed onto this approach, and without their support, we would not be passing this bill. I think that is important.

I think it is important to set some of those partisan things aside and try to get things done, recognizing that it is not perfect, but we are getting something done for the people who need it. It is voluntary. It gives people choices. It gives the most help to those who are low income and those who have high medicine costs because they are very sick. For the first time in Medicare, we are going to really focus on chronic disease management so that we improve the quality of life of seniors in addition to extending the length of life.

The biggest problem in Medicare today is that not enough seniors can afford life-saving medicine. We need to add this prescription drug benefit to Medicare.

I told Members about a lady in my district and there is another one I met who is a great grandmother. Her name is Ella May Naser. She is older than Medicare. She is about to be 98 years old, and she is still sharp as a tack. She is on her own now, but in August of every year she has to change her health care plan from one Medicare+Choice system to another because she only gets about $685 a month, and at some point the prescription drug benefit runs out in her plans. She has one medicine to control her high blood pressure, another to prevent degenerative bone disease, and another one for glaucoma. She has family that helps her sort all of these things out and try to make sure that her plans cover what she needs because they know she will stop taking her medicine if she does not have the money to pay for it.

This plan will help people like her. That is why we are doing this. That is why we have to set aside the little differences in order to accomplish the big things that people send us here to do.

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

Ms. BERKLEY. Mr. Speaker, I yield 45 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I think it is important that we note as a matter of record that where the gentlewoman from New Mexico (Mrs. WILSON) indicated there were two Democrats that were present at the conference, and the gentlewoman I understand served on that conference. The gentlewoman is aware that the gentleman from New York (Mr. RANGEL), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Arkansas (Mr. BERRY) were appointed by the leadership to serve in that conference and were denied access.

□ 2245

There was no input from the Democratic Party in this House into this particular conference.

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

I have always believed in providing a prescription medication benefit under the Medicare system. It makes no sense to me that we have a Medicare system that allows seniors to see a doctor, the doctor prescribes the least expensive, most cost-effective way of dealing with illness, which is prescription medication. Many of the seniors in my district and throughout the United States cannot afford the prescription medication that the doctor prescribes. Being a doctor's wife and having a stepdaughter who is a third-year medical student, I do not need to be lectured by the other side of how the effect of these Medicare reimbursements are affecting doctors because I know firsthand and personal what it is doing. I know that the doctors are suffering and that there is a real crisis in health care and that our doctors need to be appropriately reimbursed for the Medicare patients that they see.

But what I am opposed to is privatizing the Medicare system, and

that is what this legislation does. Make no mistake about it, this legislation, rather than being a prescription drug plan, rather than being a Medicare reimbursement plan for doctors, what this is is the first step in privatizing Medicare, and that would be a disaster for our seniors.

I urge my colleagues to vote for this motion. My motion addresses the concern of the doctors across the country and ensures that Medicare patients can have access to their doctors by providing these doctors with a 1.5 percent increase in physician payments over the next 2 years. I ask my colleagues to protect our citizens and not have them investing in risky and untested privatization schemes and to put the necessary funding in the prescription drug bill to fairly reimburse our doctors who administer the necessary care to Medicare patients. Instead of putting the Medicare system in jeopardy, we should protect our constituents' access to care. This motion fixes this problem for another 2 years, but I implore my colleagues that in the future we must work together to address a permanent fix for the formula.

I urge my colleagues to support our doctors and their patients and vote ''yes'' on this motion to instruct.

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

The SPEAKER pro tempore (Mr. ROGERS of Alabama). 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 Nevada (Ms. BERKLEY).

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

Ms. BERKLEY. 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. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. KENNEDY of Rhode Island 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 highest funding levels possible for nutrition programs for our nation's seniors as authorized by the Older Americans Act.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from Ohio (Mr. REGULA) each will control 30 minutes.

The Chair recognizes the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I yield myself such time as I may consume.

Today I rise to offer a motion to instruct the House conferees on the 2004 Labor, HHS and Education appropriations bill to insist on the highest level of funding possible for nutrition programs for seniors, programs such as Meals on Wheels and congregated meal sites.

As I rise this evening, I want to thank the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY), who are both leaders on the Labor-HHS-Education subcommittee and who both know how important these programs are. I want to thank them for their hard work year in and year out to protect these programs so vital to our senior citizens.

This week we are debating controversial legislation, as Members have just no doubt heard, on the floor about the future of the Medicare system and the importance of providing a drug benefit without forcing seniors into HMOs. But the importance of that debate will be left to another time. Tonight we are in agreement when it comes to the importance of senior nutrition programs, and this truly is a bipartisan issue.

I know that most Members of this Chamber have often visited their senior centers and know, having spoken to them, how important it is that they receive these congregated meals. Tonight, this is an opportunity to put our money where our mouth is, and it is an actual opportunity to encourage our conferees to spend the money on senior nutrition. Even in spite of the fact that we have tight budgets, we cannot give senior citizens short shrift.

As I said, Members know about these programs, but I do not know how many of them truly appreciate their magnitude and reach. I would encourage those colleagues of mine who have not been out on a Meals on Wheels visit to go out with a volunteer and visit the people for whom these programs help make a difference. Nearly 2 million people receive meals through the congregated meal site program and 1 million through the Meals on Wheels program. This adds up to a total of 250 million actual meals served. That is a compelling statistic that reflects the nature of these programs.

My father, Senator EDWARD KENNEDY, was the author of the legislation that made the seniors' nutrition programs part of the Older Americans Act. I am proud that my father, Senator EDWARD KENNEDY, was responsible for the founding of Meals on Wheels. What he and others of his colleagues have recognized over 30 years is that Meals on Wheels is an important program not only for the nutrition that it brings but also because of the companionship and the neighbor-to-neighbor relationship that it fosters. For many seniors, not only at the home is delivered a meal but a face with that meal, a person, someone who can offer companionship and friendship and know what is going on in the home when they arrive and deliver the meal. The value of these meals pays itself back in both the importance of good nutrition and also through the companionship and care that these meal volunteers provide.

We talk in Congress about how an ounce of prevention is worth a pound of cure. That is nowhere more true than the Meals on Wheels and the congregated meal site programs. In the congregated meal site programs, seniors get together at the senior centers to join in lunch; but in the process of doing that, they are exposed to an array of social services that may also be of assistance to them. Unfortunately, as many of us know in our Nation, one in 10 seniors lives in poverty. At the same time, there is expected to be a 30 percent increase in the number of Americans eligible for the Older Americans Act now that the baby boom generation is becoming the senior boom generation. Already in my State of Rhode Island, 14.5 percent of our population is 65 or older. We need to be ready for this population as it retires. We need to be ready for them as we take care of the seniors of today.

Finally, Mr. Speaker, before I turn it over to my colleagues, let me say, I have met Edna Bateman in one of my tours on a senior meal site. Edna Bateman is from East Providence, Rhode Island, and she knows what a difference it has made to her in her life not only to get that hot meal but also to have that companionship, that visitor every day that she is looking forward to seeing, who she wakes up every morning looking forward to talking to, who she unlocks her door and leaves it open so that she looks forward to hearing that Meals on Wheels volunteer coming to her door.

That is why I rise tonight to make sure more people like Edna Bateman get the services like this Meals on Wheels program. I want to pay tribute to her and the many others who receive this program. Tonight I know we all rise in support of those folks.

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. REGULA. Mr. Speaker, the gentleman from Rhode Island has described many of the values of this program. He is a very valued member of our subcommittee. As he well knows, we have done all we could for this program within the constraints of the Budget Act. It is a great program. I think one of the benefits that probably was not mentioned is it gives a lot of people in communities a sense of participation because these meals are delivered by volunteers in most cases if

not all. That means that those in the community who are doing this service realize that they are helping the seniors. It gives them an understanding, but most importantly, of course, as the gentleman from Rhode Island (Mr. KENNEDY) described, it is very important to the beneficiaries of the program.

As has been mentioned, it is not only the nutrition and that is important. Seventy-nine percent of the individuals that are recipients have a high nutritional risk and the Meals on Wheels ensures that they will get, at least as much as possible, a balanced diet which obviously will contribute to their health.

We were earlier debating some aspects of the Medicare reform bill and the prescription drug change. I think that bill does more on preventive medicine than has been the case in the past. An item such as requiring that those who go on Medicare must first have a medical examination to see if they have any problems, that will now be covered by Medicare. I think that is a great provision. But part of preventive medicine is having a nutritious diet. The Older Americans Act nutrition programs serve that purpose. As was mentioned, over 270 million meals to almost 3 million people that benefit. They benefit in a congregate setting and also as individuals in their homes.

What it does is allow people to stay in their homes for a longer period of time. In my discussion with seniors, they want to stay at home as long as possible. They do not want to be institutionalized. Meals on Wheels affords them that privilege. I wish we could do more. I wish the budget numbers that were provided to our subcommittee were larger, but we have a lot of challenges in the Labor-H subcommittee. We have the challenges of funding the research at the National Institutes of Health. We have the challenges of funding the Centers for Disease Control; that has a new dimension because of 9/11. We have the challenge of providing good education to ensure that no child is left behind. We have the challenge in the Labor Department of providing services to those that are unemployed so that they can get back into employment. We have some tough policy decisions that we have to make.

We do put a lot of money into the Older Americans Act. I and all of us wish it could be more, but we have to balance out the needs of the seniors and the Meals on Wheels programs with education, health research and so on. But on balance this is good preventive medicine, to provide for nutritious meals. It also, as was mentioned, is very important for their social well-being. The fact that somebody is going to come to their home once a day for 5 days a week, it gives them a sense of being a part of the community. Because these people that are delivering these Meals on Wheels are volunteers, most of them have some time that they can stop and visit a little bit with the clients. I think that adds to their well-being and adds to their ability to be comfortable in their home setting.

Another feature of this that we do not fully appreciate is that the Meals on Wheels leverages a lot of other sources. It leverages the State funds. In the case of the Native Americans, it leverages tribal funds. It leverages local funds and Federal moneys and other subcommittees of appropriations. These total contributions of matching funds more than exceed what we put into the program in our bill. That is a very positive thing that we do—leverage these funds.

I think for this reason I have no objection to this motion to instruct. I wish we could do more, but we are limited in the total resources that are available as we make the priority choices among many very fine programs. We have in constructing this bill held the numbers that can be available for the Meals on Wheels, the Older Americans Act at the highest level possible within the constraints of the resources that are provided to our subcommittee.

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, it is my pleasure to yield 6 minutes to the gentleman from Massachusetts (Mr. DELAHUNT) who represents Cape Cod and the islands.

□ 2300

Mr. DELAHUNT. Mr. Speaker, I would like to thank my colleague from New England for his leadership in this very important issue. He certainly has inherited a legacy from his father, and those of us from Massachusetts are proud not only of our senior Senator but his son, his youngest son.

As cochair of the House Older Americans Caucus, along with, of course, the chairman of the committee who has established a reputation for compassion and for concern for the elderly in this country, I too rise in strong support of this motion because I share their belief that Congress must fund senior nutrition programs at the highest levels authorized by the Older Americans Act. The conferees should support the funding levels set forth in the House conference report.

First, the health of our seniors depends on full funding of nutrition programs. It has been clearly established in study after study that poor eating habits can lead to serious medical problems for aging adults, including the early onset of chronic diseases that inevitably escalate the cost of health care here in this country. Frail and homebound adults benefit enormously from the prepared meals supplied by organizations such as Meals on Wheels. Indeed, that one meal can provide half of their total nutritional requirements for the day. That fact is truly significant when one considers that nearly 3 million seniors benefitted from nutritional programs and services last year.

In my home State of Massachusetts, over 50,000 seniors rely on congregate and home-delivered meals each year, as well as the nutritional screenings and counseling authorized by the legislation. Accordingly, the programs that we are talking about deliver, literally, on our goal to meet the nutritional needs of older Americans.

Secondly, our commitment to provide the highest level of funding for these activities makes sense economically and produces substantial savings to the American taxpayer. Through these investments we are saving costs in the long term, as I alluded to earlier, along with the references by those who spoke previously. With home meal delivery, seniors can live independently for longer periods. Furthermore, studies show that these services also prevent costly hospitalizations resulting from nutritional deficiencies and social isolation. That translates into a substantial savings to the American taxpayer.

Third, I believe, as others have suggested, that the intangible aspects of these programs provide an incredible benefit to our communities and enhance a sense of community, not only to those that receive directly these benefits, but to those who provide them. For some individuals, the volunteer knocking at their door may be the only visitor of the day. So in simple human terms, we cannot underestimate the value that this single interaction may have for an elderly person, many of whom are female, many of whom are widowed, many of whom live alone. And it should not go unstated that tragically in this country, many of our seniors, a disproportionate share of our seniors when compared to the rest of the population, suffer from chronic depression. So let me suggest that this is a point where government and compassionate conservatism should intercept.

Finally, I would like to commend all those who volunteer to keep these programs running. In my district, many of these individuals are themselves active seniors. For all these reasons, I strongly support these neighborhood organizations working to strengthen the connection between seniors and their communities. So in recognition of their hard work, as well as the needs of elderly Americans, I urge the conferees to adopt the House language that was crafted by the gentleman from Ohio and fund senior nutrition programs at the highest level. And, again, let me applaud the great work of the gentleman from Rhode Island (Mr. KENNEDY), Massachusetts and Rhode Island's native son.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. DELAHUNT) for his comments.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, as a cochairman of the Older Americans Caucus, I rise tonight in support of the gentleman from Rhode Island's (Mr.

KENNEDY) motion to instruct the conferees of the Labor, Health and Human Services, and Education Appropriations bill to provide full funding for vital seniors' nutrition programs.

Over the next 5 years, the number of Americans eligible to take part in programs under the Older Americans Act will rise by 25 percent as the Baby Boom generation reaches retirement age. As the number of seniors in the United States grows, it is vitally important that nutrition programs are fully funded.

In my home State of Nevada, over 20,000 seniors are served millions of meals annually at the senior centers, schools, and in their own homes. In just the past 5 years, the Meals on Wheels program in southern Nevada, which has the Nation's fastest growing seniors population, has grown from serving 350 homebound clients to over 1,000 today.

As the senior population rapidly grows, the senior services in Las Vegas are striving to keep up with the expanding demand. The Meals on Wheels program in southern Nevada continues to develop innovative ways to handle the growth and widen their service base to more seniors. For instance, one driver delivers a week's worth of frozen meals once a week to a seniors' home in Las Vegas instead of one hot meal a day.

For a senior who is disabled or lives alone, a hot meal delivered to their home or served in a local senior center is invaluable to their well-being and may be the only way that the older Americans are assured that they receive the nutrition that they need to stay healthy. This is especially true for those seniors living under the poverty level. In 2002 the national average of seniors living in poverty was 10 percent. I am sorry to say that in my district 14.6 percent of the seniors are living below the poverty level. For these seniors, assistance in getting healthy meals is critical to their health and their well-being.

Not only are seniors grateful for the comfort of a hot meal, but a study of the Elderly Nutrition Program found that senior participants have a higher daily intake of key nutrients that seniors who do not participate in the nutrition programs have. Funding Meals on Wheels and other programs not only ensures adequate nutrition but also provides an important link to supportive in-home and community-based services and empowers seniors to remain self-sufficient in their own homes. The drivers for Meals on Wheels in southern Nevada, all of whom are retired seniors themselves, not only provide meals but are a critical link to the community for many of the seniors that they serve.

I want to thank the gentleman from Rhode Island (Mr. KENNEDY) for his leadership in offering this motion and the gentleman from Ohio (Mr. REGULA) for his support. I urge my colleagues to support full funding for the Nation's senior nutrition programs as a way to ensure the good health and a better quality of life for seniors in Nevada and nationwide.

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS).

□ 2310

Mrs. CAPPS. Mr. Speaker, I thank my colleague, the gentleman from Rhode Island (Mr. KENNEDY) for his leadership on this motion to instruct conferees for full funding for senior nutrition programs and to note that it is a second generation to take leadership in this area. I commend, also, the chairman of the committee, the gentleman from Ohio (Mr. REGULA), for his leadership in senior issues and the Older Americans Act.

Mr. Speaker, I rise in support of this motion because it is just at the bottom of our priorities that we pay attention to senior nutrition. Very few images are more upsetting and unsettling to any of us to think of our parents and our grandparents, our neighbors, and the elderly going without proper nutrition. Unfortunately, too many seniors live in poverty in our communities and must struggle daily to get the food they need. This is unacceptable and that is the reason for the passage of the Older Americans Act and its reauthorization.

And here we are struggling with the fact that our Federal budget and our appropriation process in this hallowed body is really a reflection of our values as Americans as people, with mothers and fathers, and children and neighbors, and a responsibility to care for those who have cared for us. That is the way this world runs when it is run according to the highest values which we espouse.

Yes, budgets are tight, but we do make priorities. And I am here to agree with my colleague, the gentleman from Rhode Island (Mr. KENNEDY) that our older Americans ought to be a priority. It is such an honor to represent a community and communities in my district, as we all do, to visit among the people who make this program come to life. We fund the Older Americans Act. We fund programs that allow Meals on Wheels to exist. And when we see them at work in the communities, these programs that are run by volunteers, that leverage our precious few dollars and make those dollars stretch, I cannot believe the quality food that is prepared on the budgets that we give them, that they get volunteer donations, the drivers are so committed, their routes mean so much to them, that knock on the door is life-giving to the person who resides on the other side. For some it is their single connection to the outside world. It is food but it is so much more than food.

Now, I just implore all of us here in this body to take seriously our responsibility to fund this legislation at the proper amount that will do justice to our reasons for being here.

Mr. KENNEDY. Mr. Speaker, I would like to take a second and just acknowledge the wonderful comments of my colleague, the gentlewoman from California (Mrs. CAPPS) who so beautifully encapsulated the reason we are here tonight speaking on behalf of this knowledge.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I am perhaps the only Member of the House of Representatives who has trained in the field of gerontology, run a senior citizen program, perhaps someone else has, and actually gone with volunteers, delivered meals in homes, supervised volunteers who delivered meals in homes, and spent a lot of time at congregate meal sites.

Let me tell my colleagues this: If any motion to instruct should be nonpolitical and should receive the unanimous support of this body, that should actually be respected by the group negotiating the compromise here, it is this one, to provide the highest possible levels.

Now, the President, unfortunately, proposed to actually cut funding for Meals on Wheels. Now, he has a lot of ideas about people replacing government programs and that. This is essentially a nongovernmental program. It depends tremendously upon volunteers and community assistance and a lot of locally generated contributions matched with a little bit of Federal funds to leaven the mix. And the President's cut would have eliminated this program for many.

A lot of seniors, this is the only person they are going to see in a day. They are shut in. The only person they are going to see is the person that brings them that hot meal. It helps them stay connected to the community. It gives them a little bit of socialization. It allows people to know that they are doing okay in their homes. There are not a lot of other systems or places to do that. Many of them who I visited with on Friday get very nervous and they cry on Mondays when they see the people coming again. Over the weekend, they have the frozen meals and they had something to eat, but they did not see anybody. They were shut in.

Mr. Speaker, to cut this program as the President has proposed would be a tremendous disservice to those who have given so much to our country over so many productive years and now just need a little bit of help to stay in their homes in their later years, the congregate meal sites, to visit those, and the vitality of our senior citizens in later years. It is inspiring to me many times when I go and I hear and I see as I visit the congregate meal sites. But, again, it is also a tremendous socialization experience.

So this House could do no better than to unanimously adopt this, but not

only unanimously adopt this. We vote on an awful lot of motions to instruct here that are immediately tossed in the trash can by the negotiators. I would hope that this would be one motion that is respected, where we deliver and where we give back a little bit to our seniors who gave so much to us, our grandparents, our great grandparents and others. The greatest generation deserves better than a cut in the programs that are helping the most fragile and vulnerable of them.

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

Mr. Speaker, just briefly, I think for those that have listened to this debate tonight, as a society we can take pride in this program of the Older Americans Act. And I might add one that has not been discussed yet is the Caregivers Program which is also in our subcommittee to help people gain the knowledge of how to provide care to their elderly relatives, family, and so on in the home setting. All of this adds up to a real effort to allow those who want to stay in their homes to do so. And in the House bill, we can increase the amount over last year. And we will be very mindful of the thrust of this instruction as we negotiate with the other body in a final number.

But, again, I would say that as Americans we can take pride in what we have done, I think in the Older Americans Act, to allow people to stay in their home, to allow people to have some social contact with the other members of their community, to allow the volunteers who want to help others to have this opportunity. So we certainly support the motion to instruct. And as a conferee, I will do all that I can to urge that we do get the highest possible number within the constraints of priorities that we have in the bill and the constraints of the allocation that we started with originally.

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman of the committee, the gentleman from Ohio (Mr. REGULA) who is chairman of the Labor Health and Human Services and Education Subcommittee of the Committee on appropriations on which I serve. I want to join him in saying that I think we need to do a lot more within the Older Americans Act, not only in the congregate meal site and the Meals on Wheels, but, as you pointed out, the support for family members, many of them I know that you understand are burning out because they do not have the support that they need to care for their loved ones.

As the chairman has said so well, often the greatest number of caregivers in this country are seniors themselves. And they are caring for their loved ones, and they need to have all the support they can get too. So I thank the chairman for acknowledging that. We need to look out for the caregivers, as well, if we care about those that they are caring for. I appreciate the fact that he made that observation.

With that, Mr. Speaker, let me just, once again, say that I rise in support of this motion to instruct conferees, to see it to the highest possible level when it comes to nutrition programs, Meals on Wheels, and congregate meal site programs within the conference report.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of the Kennedy motion to instruct conferees to the Labor-HHS-Education Appropriations bill to insist on the highest funding levels for senior nutrition programs.

All of us know that the Labor-HHS-Education Appropriations bill contains many of the most worthwhile programs administered by the federal government, and nutrition programs for seniors are just one example.

As a new member of this subcommittee, I was impressed by the testimony from the Administration on Aging outlining the enormous good that these programs accomplish each year. Although Chairman REGULA has often reminded us of the need to comply with budget restrictions, I believe he and the Republican members of the subcommittee know the importance of increasing funding for these programs each year in order to keep pace with inflation and to make progress in providing meals to additional seniors.

In California, with an estimated population of over 35 million people, over 4 million people are 65 years or over. These seniors are served over 11 million home-based meals through Older Americans Act programs, and another 9 million congregate meals are served.

These statistics are testament to the enormous leveraging effect that federal nutrition programs accomplish. As testimony by the Administration on Aging reveals, 44 percent of the cost of a congregate meal and 29 percent of the cost of a home-delivered meal comes from Older Americans Act funds—the balance comes from state, community and private contributions.

Unfortunately, the demand still exceeds these combined federal and local community efforts. The need for these programs is undisputed. In fact, testimony from the Administration on Aging reveals that 41 percent of home-delivered nutrition programs and 9 percent of congregate nutrition programs have waiting lists for services. On average, local programs had 85 seniors on a home-delivered meals waiting list with a wait time of nearly 3 months. On average, local programs had 52 seniors on a congregate meals waiting list with a wait time of about 2 months.

As the evidence indicates, I believe it is important that we strive to make incremental progress every year to support the goal of adequate nutrition for seniors by eliminating the waiting lists and providing meals to all seniors who need then.

The differences between the House and Senate bills with regard to senior meals may appear small—about 4 million dollars out of a total of over $700 million for senior nutrition services. But we know these dollars make an enormous difference in the lives of so many seniors.

I urge my colleagues to support the Kennedy motion so we can make progress again this year.

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

□ 2320

The SPEAKER pro tempore (Mr. BISHOP of Utah). 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 gentleman from Rhode Island (Mr. KENNEDY).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

2003 NATIONAL MONEY LAUNDERING STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and the Committee on Financial Services:

To the Congress of the United States:

Consistent with section 2(a) of the Money Laundering and Financial Crimes Strategy Act of 1998 (Public Law 105–310; 31 U.S.C. 5341(a)(2)), enclosed is the 2003 National Money Laundering Strategy, prepared by my Administration.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 18, 2003.*

ACKNOWLEDGING AN OUTSTANDING INDIVIDUAL SUPPORTING PEACE IN OUR WORLD NAMED REVEREND DR. MICHAEL BECKWITH

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, I rise today to acknowledge an extraordinary human being. Reverend Dr. Michael Beckwith, an outstanding man, an emissary of peace and a humanitarian for all people, has made a profound and lasting impact on our world through his distinctive stand for peace and harmony in our community.

Having known Reverend Michael, as his community affectionately refers to him, since he was a child, I can unequivocally say that his life is a testament to building community. In the 1970s, he began a journey that to this day embraces the major religions, philosophies and cultures of East and West. One significant manifestation of his vision began in 1986 when Dr. Beckwith founded Agape, a transdenominational community with over 9,000 members currently devoted to the study and practice of the New Thought-Ancient Wisdom tradition of spirituality.

If it is so, as Emerson has stated, that every institution is but the

lengthened shadow of one person, then the Agape International Spiritual Center, the Association for Global New Thought, and the Season for Nonviolence are all indeed extensions of Dr. Beckwith. Furthermore, they are distinctly an emblem of his vision of one human family united on a foundation of peace based on the spiritual origin of every man, woman and child.

Mr. Speaker, I rise today to acknowledge an extraordinary human being. Rev. Dr. Michael Beckwith, an outstanding man, an emissary of peace, and a humanitarian for all people, who has made a profound and lasting impact on our world through his distinctive stand for peace and harmony in our community.

Having known ''Reverend Michael,'' as his community affectionately refers to him, since he was a child, I can unequivocally say that his life is a testament to building community. In the 1970's he began a journey that to this day embraces the major religions, philosophies and cultures of East and West. One significant manifestation of this vision began in 1986 when Dr. Beckwith founded Agape, a trans-denominational community with over 9,000 members currently devoted to the study and practice of the New Thought—Ancient Wisdom tradition of spirituality.

If it is so, as Emerson has stated, that, ''every institution is but the lengthened shadow of one person,'' then the Agape International Spiritual Center, the Association for Global New Thought and the Season for Nonviolence are all indeed extensions of Dr. Beckwith. Furthermore, they are distinctly emblematic of his vision of one human family united on a foundation of peace based on the spiritual origin of every man, woman and child.

One of the largest churches of its kind, the Agape church is a portrait of multiculturalism. The diversity you will find attending service on Sunday can be compared to the diversity that would be found by walking into the United Nations. Further, Agape's unique outreach ministry reaches deep into the heart of the community to care for city, country and world citizens who need it most.

But Dr. Beckwith's impact is even greater. His entire life, being dedicated to serving his community and creating harmony in our world, has attracted the movement's most influential visionaries, leaders and teachers including Arun Gandhi and his Holiness the Dalai Lama of Tibet. Coretta Scott King wrote in a personal letter to Reverend Michael upon his election as an assembly member of the Parliament of the World's Religions, ''I greatly admire what you are doing to bring about the Beloved Community, which is certainly what my dear husband worked for an ultimately gave his life.''

Whether it's through his leadership as president of the Association of Global New Thought where he stands with co-creative leaders on the threshold of an evolutionary leap that dares to call an end to human suffering, as the author of Forty Day Mind Fast-Soul Feast and A Manifesto of Peace, or as co-founder of the Season for Nonviolence, a grassroots effort expanding the power and truth of non-violence, Reverend Michael stands before us as an exemplary guide to living in a world united by humankind's highest spiritual, philosophical, educational and scientific expression.

ON THE HEALTH CARE EQUALITY AND ACCOUNTABILITY ACT OF 2003

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the backdrop of just returning from Iraq and seeing the challenges of our soldiers, might I offer to their families and those who lost their lives in the Black Hawk incident of just about 3 days ago my deepest sympathy.

I rise today because I am very proud to be joining with my colleagues in the offering of the Health Care Equality and Accountability Act of 2003, I believe one of the singular legislative initiatives of this century. I congratulate the gentleman from Maryland (Mr. CUMMINGS), chair of the Congressional Black Caucus; the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), chair of the Congressional Black Caucus Health Brain Trust; House Democratic leader NANCY PELOSI; Senate Democratic leader TOM DASCHLE; Senator EDWARD KENNEDY; as well as leaders of the Congressional Hispanic Caucus, the gentleman from Texas (Mr. RODRIGUEZ); Congressional Asian Pacific American Caucus; and the Native American Caucus. This has been a tremendous coming together recognizing the need for curing disparity in health care in America.

I am very proud that this bill improves the diversity of our health workforce, improves data collection on health disparities, and helps to reduce the disparities by promoting accountability and strengthening the institutions that serve minority communities.

I am glad to have been the author of two particular pieces of this legislation, one that will create the Center for Cultural and Linguistic Competence in Health Care so that individuals who speak a different language, who have a different culture will be able to be treated by those health professionals who understand; and a piece to be able to give visas to those who will come and to treat those in the inner city areas and rural communities.

Mr. Speaker, this is a great bill. I hope my colleagues on both sides of the aisle will help to see this bill passed immediately to save lives here and abroad.

Mr. Speaker, across this great Nation the health disparities between minority and majority populations are staggering. As the economy continues to falter and as the unemployment rate spikes, millions of Americans are losing their health insurance. That state of affairs will only make the health disparities worse. Therefore, the introduction and movement of this legislation is imperative.

I commend my colleagues: Representatives ELIJAH E. CUMMINGS, chair of the Congressional Black Caucus (CBC), Delegate DONNA CHRISTENSEN, chair of the CBC Health Braintrust, House Democratic Leader NANCY PELOSI, Senate Democratic Leader TOM DASCHLE, and Senator EDWARD KENNEDY, as well as Leaders from the Congressional Hispanic Caucus, the Congressional Asian Pacific American Caucus, and the Native American Caucus. This has been a tremendous effort, and has truly resulted in a landmark piece of legislation.

This bill will expand health coverage, improve the diversity of our health workforce, improve data collection on health disparities and then help reduce those disparities by promoting accountability and strengthening the institutions that serve minority communities. Truly, this bill represents years of intense thought and discussion, and 9 months of hard work on both the House and Senate sides. It is the comprehensive approach that this important issue deserves. The Healthcare Equality and Accountability Act is a solid foundation upon which we can build a strong healthcare system that will bring quality affordable healthcare to all Americans.

I am also pleased to be the author of two pieces in this landmark legislation. First, this act will create the Center for Cultural and Linguistic Competence in Health Care. Too often, even people who can afford to pay for quality care receive second-rate services because healthcare providers cannot speak their language or relate to their cultural health backgrounds. Good medicine is more than dispensing pills; it is about communication and an understanding relationship between doctor and patient. The center will help foster that kind of relationship.

Also, drawing on my expertise as ranking member on the House Subcommittee on Immigration and Claims, I was gratified to contribute a piece that will provide appropriate visas for healthcare providers to come to the U.S. to work in underserved areas as needed.

It is a misconception that minority health care is just about helping minorities. Keeping Americans healthy ensures that children can stay in school and that their parents can go to work. It ensures that our emergency rooms are not glutted. It ensures that our hospitals are not wasting time and money chasing the uninsured with massive bills they cannot afford to pay anyway. Keeping Americans healthy ensures that all of our friends, neighbors, and loved ones can have longer, more productive lives to contribute to our communities and to our economy.

We all pay the cost of leaving people in America without health coverage. We cannot afford to pay that high cost any longer. The time for health equality is now.

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.

BAD DEAL FOR AMERICA'S SENIORS

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, there is a lot of confusion from the debate earlier tonight about what the so-called pharmaceutical benefit for seniors is or is not. Let us just clarify things a little bit.

First off, there are two bedrock principles in this provision of law. It prohibits the Federal Government of the United States from negotiating lower drug prices on behalf of Medicare beneficiaries. It prohibits the government from doing that.

We heard a discussion from the gentlewoman from New Mexico (Mrs. WILSON) about people who will be put together in groups and they will negotiate lower prices as much as 15 or 20 percent. Well, the government has done that with our veterans and they have lowered prices up to 60 percent for those drugs and the veterans group is much smaller than the Medicare group. So if we were to aggregate all of seniors voluntarily into a group without them paying a penny or premium of any sorts and have the government negotiate on their behalf for price reductions, one could expect that they might even exceed those of Veterans Administration. Maybe we would see prices even lower than in Canada.

That is the second bedrock principle of this legislation. Not only does this legislation at the behest of the pharmaceutical industry prohibit the government from negotiating lower prices in the extortionate cost of prescription drugs, the highest in the world here in the United States, secondly, it actually would say that not only can you not do that but it is going to stop the importation or really restrain the importation of less expensive drugs from Canada and other countries because it has a provision that says the Secretary of Health and Human Services will have to say that those drugs are safe, in his opinion.

Well, he has already rendered an opinion. He has already said they are not safe in his opinion. Now, there is a little problem with that. Actually, the supply chain in Canada has more integrity than the supply chain in the United States. In the United States we have a whole host of people who are out there. We have these closed-door pharmacies. We have unregulated middle men and wholesalers. The drugs really are not tracked and a whole lot of counterfeit drugs are getting injected into the system in the United States. But in Canada the Government of Canada negotiates on the behalf of the Canadian people very substantial price cuts from U.S. manufacturers of FDA-approved drugs; and when the drugs go to Canada, they are always within the purview of the government there. They track them much more carefully than in the United States.

So arguably you could say that FDA-approved, U.S.-manufactured pharmaceuticals returning to the United States from Canada directly to a consumer would be less likely to be adulterated or counterfeit than many of those in the supply chain in the United States of America. That is very well documented. It was particularly well documented in a recent series in The Washington Post.

So what is really at risk here? If it is not the health of seniors, which is suddenly of tremendous concern to the majority party here at the behest of the pharmaceutical and insurance industries, what is really at risk? Well, what is really at risk is the extortionate price they are able to extract from the American people for pharmaceuticals. Americans pay far more than any other developed nation in the world for pharmaceuticals. This bill will do nothing to help that. In fact, this bill will guarantee that price gouging will be continued.

The other big benefit is that seniors would be allowed under this bill to go and buy private insurance at a price that is not yet totally determined but with substantial deductibles. And under the optimistic estimates, and these are only estimates because God forbid the government even after giving a $20 billion subsidy under this bill to the private insurance industry should mandate they do anything, we are hoping that they would offer an affordable benefit; and the estimates, optimistic, are that a person who has a drug bill of $1,000 a year would get a benefit of $109 a year after they pay their premiums, copayments, and deductibles. A person with a drug bill of $5,000 a year would get a benefit of $1,024. They would pay 80 percent of the cost. The person at $1,000 a year would pay 77 percent of the cost.

If those same people were just allowed to purchase their drugs from Canada, the price would be 50 percent or less. If the government negotiated on their behalf using the market power of the people in Medicare to reduce the price, it would likely be 50 or 45 percent. So what we are really doing here is providing a huge subsidy to the private insurance industry setting up the pharmaceutical industry to continue price gouging and setting up seniors for a very big fall; and this is such a great benefit, it will not even begin until year 2007.

This is really not a good deal for America's seniors, and AARP should be ashamed that they have lent their endorsement to this. I do not know what they got in return. I know what that side got and that was huge contributions from the pharmaceutical and insurance industries.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2004 AND THE 5-YEAR PERIOD FY 2004 THROUGH FY 2008

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2004 and for the 5-year period of fiscal years 2004 through 2008. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 501 of the conference report on the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95). This status report is current through November 14, 2003.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for fiscal years 2004 through 2008, because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the ''section 302(a)'' allocations made under H. Con. Res. 95 for fiscal year 2004 and fiscal years 2004 through 2008. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. A separate allocation for the Medicare program, as established under section 401(a)(3) of the budget resolution, is shown for fiscal year 2004 and fiscal years 2004 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2004 with the ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This table also compares the current level of total discretionary appropriations with the section 302(a) allocation for the Appropriations Committee. These comparisons are needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach either the section 302(a) allocation or the applicable section 302(b) suballocation.

The last table gives the current level for 2005 of accounts identified for advance appropriations under section 501 of H. Con. Res. 95. This list is needed to enforce section 501 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2004 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95, REFLECTING ACTION COMPLETED AS OF NOVEMBER 14, 2003

[On-budget amounts, in millions of dollars]

	Fiscal year 2004	Fiscal years 2004–2008
Appropriate Level:		
Budget Authority	1,880,555	(1)

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2004 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95, REFLECTING ACTION COMPLETED AS OF NOVEMBER 14, 2003—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year 2004	Fiscal years 2004–2008
Outlays	1,903,502	(1)
Revenues	1,325,452	8,168,933
Current Level:		
Budget Authority	1,861,384	(1)
Outlays	1,883,370	(1)
Revenues	1,330,943	8,376,570
Current Level over (+)/under (−) Appropriate Level:		
Budget Authority	−19,171	(1)
Outlays	−20,132	(1)
Revenues	5,491	207,637

[1] Not applicable because annual appropriations Acts for fiscal years 2005 through 2008 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measurers providing new budget authority for FY 2004 in excess of $19,171,000,000 (if not already included in the current level estimate) would cause FY 2004 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2004 in excess of $20,132,000,000 (if not already included in the current level estimate) would cause FY 2004 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2004 in excess of $5,491,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period FY 2004 through 2008 in excess of $207,637,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF NOVEMBER 14, 2003

[Fiscal years, in millions of dollars]

House Committee	2004		2004–2008 total		2004–2013 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Armed Services:						
Allocation	70	34	70	70	(1)	(1)
Current Level	3,823	365	15,173	12,760	(1)	(1)
Difference	3,753	331	15,103	12,690	(1)	(1)
Education and the Workforce:						
Allocation	39	47	201	245	(1)	(1)
Current Level	9	8	9	9	(1)	(1)
Difference	−30	−39	−192	−236	(1)	(1)
Energy and Commerce:						
Allocation	−170	−170	439	439	(1)	(1)
Current Level	1,502	263	951	1,067	(1)	(1)
Difference	1,672	433	512	628	(1)	(1)
Financial Services:						
Allocation	0	375	0	1,250	(1)	(1)
Current Level	−1	−1	−2	−2	(1)	(1)
Difference	−1	−376	−2	−1,252	(1)	(1)
Government Reform:						
Allocation	−1	0	−3	−1	(1)	(1)
Current Level	2	2	24	24	(1)	(1)
Difference	3	2	27	25	(1)	(1)
House Administration:						
Allocation	0	0	0	0	(1)	(1)
Current Level	1	1	3	3	(1)	(1)
Difference	1	1	3	3	(1)	(1)
International Relations:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Judiciary:						
Allocation	19	19	95	95	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	−19	−19	−95	−95	(1)	(1)
Resources:						
Allocation	24	24	522	342	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	−24	−24	−522	−342	(1)	(1)
Science:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Small Business:						
Allocation	0	0	0	0	(1)	(1)
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Transportation and Infrastructure:						
Allocation	9,256	0	41,134	0	(1)	(1)
Current Level	6,406	0	6,406	0	(1)	(1)
Difference	−2,850	0	−34,728	0	(1)	(1)
Veterans' Affairs:						
Allocation.						
Current Level	0	0	(1)	(1)	0	0
Difference	0	0	(1)	(1)	0	0
Current Level	0	0	0	0	(1)	(1)
Difference	0	0	0	0	(1)	(1)
Ways and Means:						
Allocation	20,626	20,054	24,079	23,876	(1)	(1)
Current Level	17,979	17,960	22,810	22,850	(1)	(1)
Difference	−2,647	−2,094	−1,269	−1,026	(1)	(1)
Medicare:						
Allocation	0	0	(1)	(1)	0	0
Current Level	0	0	(1)	(1)	0	0
Difference	0	0	(1)	(1)	0	0

[1] Not applicable.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2004—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 22, 2003 (H. Rpt. 108–228)		Current level reflecting action completed as of November 14, 2003		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	17,005	17,686	17,990	18,045	985	359
Commerce, Justice, State	37,914	41,009	37,490	40,070	−424	−939
National Defense	368,662	389,221	368,183	388,642	−479	−579
District of Columbia	466	464	509	514	43	50
Energy & Water Development	27,080	27,211	25,846	26,086	−1,234	−1,125
Foreign Operations	17,120	20,185	16,227	19,980	−893	−205
Homeland Security	29,411	30,506	29,411	30,110	0	−396
Interior	19,627	19,400	19,657	19,424	30	24
Labor, HHS & Education	138,036	134,766	134,313	133,893	−3,723	−873
Legislative Branch	3,512	3,662	3,548	3,620	36	−42
Military Construction	9,196	10,282	9,316	10,247	120	−35
Transportation-Treasury	27,502	71,360	28,230	70,337	728	−1,023
VA–HUD–Independent Agencies	90,034	95,590	87,163	92,502	−2,871	−3,088
Total (Section 302(a) Allocation)	785,565	861,342	777,883	853,470	−7,682	−7,872

Statement of FY2005 advance appropriations under section 501 of H. Con. Res. 95 reflecting action completed as of November 14, 2003

[In millions of dollars]

	Budget authority
Appropriate Level	23,158
Current Level:	
Homeland Security Subcommittee: Bioshield[1]	2,528
Interior Subcommittee: Elk Hills	36
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Safe Schools	0
Children and Family Services (head start)	0
Special Education	0
Vocational and Adult Education	0
Treasury, General Government Subcommittee: Payment to Postal Service	0
Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals	0
Total	2,564
Current Level over (+)/under (−) Appropriate Level	−20,594

[1] This advance appropriation was not on the list of accounts identified for advance appropriations included in the joint explanatory statement of the committee of conference in the conference report to accompany H. Con. Res. 95. Still, since the provision has been enacted, it is included as part of the current level for advance appropriations.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 18, 2003.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2004 budget and is current through November 14, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for the Emergency Wartime Supplemental Appropriations Act, 2003, and the Jobs and Growth Tax Relief Reconciliation Act of 2003. These revisions are authorized by sections 421 and 507 of H. Con. Res. 95, respectively.

Since my last letter, dated October 16, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2004:

The Second Continuing Resolution, 2004 (Public Law 108–104);

The Third Continuing Resolution, 2004 (Public Law 108–107);

The Interior Appropriations Act, 2004 (Public Law 108–108); and

The Military Family Tax Relief Act of 2003 (Public Law 108–121).

In addition, the Congress has cleared the following legislation for the President's signature:

The National Defense Authorization Act for Fiscal Year 2004 (H.R. 1588);

The Military Construction Appropriations Act, 2004 (H.R. 2559);

The District of Columbia Military Retirement Equity Act of 2003 (H.R. 3054);

An act to re-authorize certain school lunch and child nutrition programs (H.R. 3232); and

An act to amend Title XXI of the Social Security Act (H.R. 3288).

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2004 HOUSE CURRENT LEVEL REPORT AS OF NOVEMBER 14, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	0	0	1,466,370
Permanents and other spending legislation	1,085,217	1,058,045	0
Appropriation legislation	0	345,754	0
Offsetting receipts	−366,436	−366,436	0
Total, enacted in previous sessions:	718,781	1,037,363	1,466,370
Enacted this session (excluding emergencies [1]):			
Authorizing Legislation:			
American 5-Cent Coin Design Continuity Act of 2003 (P.L. 108–15)	−1	−1	0
Unemployment Compensation Amendments of 2003 (P.L. 108–26)	4,730	4,730	145
Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27)	13,312	13,312	−135,370
Welfare Reform Extension Act of 2003 (P.L. 108–40)	99	108	0
Burmese Freedom and Democracy Act ((P.L. 108–61)	0	0	−10
Smithsonian Facilities Authorization Act (P.L. 108–72)	1	1	0
An act to amend Title XXI of the Social Security Act (P.L. 108–74)	1,325	100	0
Chile Free Trade Agreement Implementation Act (P.L. 108–77)	0	0	−5
Singapore Free Trade Agreement Implementation Act (P.L. 108–78)	0	0	−55
First Continuing Resolution, 2004 (P.L. 108–84)	−2,222	1	−2
Surface Transportation Extension Act of 2003 (P.L. 108–88)	6,405	0	0
An act to extend the Temporary Assistance for Needy Families block grant program (P.L. 108–89)	15	−36	−33
An act to amend chapter 84 of title 5 of the United States Code (P.L. 108–92)	1	1	0
An act to amend the Immigration and Nationality Act (P.L. 108–99)	0	0	2
Second Continuing Resolution, 2004 (P.L. 108–104)	1	0	0
Military Family Tax Relief Act of 2003 (P.L. 108–121)	−595	−595	−169
Total, authorizing legislation:	23,071	17,621	−135,431
Appropriations Acts:			
Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108–11)	215	27,349	0
Legislative Branch Appropriations Act, 2004 (P.L. 108–83)	3,548	2,949	0
Defense Appropriations Act (P.L. 108–87)	368,694	251,486	0

FISCAL YEAR 2004 HOUSE CURRENT LEVEL REPORT AS OF NOVEMBER 14, 2003—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Homeland Security Appropriations Act, 2004 (P.L. 108–90)	30,216	18,192	0
Interior Appropriations Act, 2004 (P.L. 108–108)	19,673	13,202	0
Total, appropriations acts:	422,346	313,178	0
Continuing Resolution Authority: Third Continuing Resolution, 2004 (P.L. 108–107)	325,871	174,311	−1
Total, enacted this session	771,288	505,110	−135,432
Cleared, pending signature:			
National Defense Authorization Act for Fiscal Year 2004 (H.R. 1588)	4,418	960	4
Military Construction Appropriations Act, 2004 (H.R. 2559)	9,316	2,567	0
District of Columbia Military Retirement Equity Act of 2003 (H.R. 3054)	1	1	1
An act to re-authorize certain school lunch and child nutrition programs (H.R. 3232)	7	7	0
An act to amend Title XXI of the Social Security Act (H.R. 3288)	0	9	0
Total, cleared, pending signature:	13,742	3,544	5
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	357,573	337,353	0
Total Current Level [1], [2]	1,861,384	1,883,370	1,330,943
Total Budget Resolution	1,880,555	1,903,502	1,325,452
Current Level Over Budget Resolution	0	0	5,491
Current Level Under Budget Resolution	19,171	20,132	0
Memorandum:			
Revenues, 2004–2008:			
House Current Level	0	0	8,376,570
House Budget Resolution	0	0	8,168,933
Current Level Over Budget Resolution	0	0	207,637

[1] Per section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes the following items: outlays of $262 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (P.L. 108–69); budget authority of −$9 million and outlays of $573 million from funds provided in the Legislative Branch Appropriations Act, 2004 (P.L. 108–83); budget authority of $87,547 million and outlays of $37,103 million provided in the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (P.L. 108–106); and budget authority of $400 million and outlays of $67 million provided in the Interior Appropriations Act, 2004 (P.L. 108–108).

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include Social Security administrative expenses. As a result, the current level excludes budget authority of $3,812 million and outlays of $3,819 million for these items.

Notes.—P.L.=Public Law.

Source: Congressional Budget Office.

THE INTRODUCTION OF THE GOODS MOVEMENT PROJECTS OF NATIONAL ECONOMIC SIGNIFICANCE (H.R. 3398)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I want to bring to the attention of this Congress, legislation that I recently introduced.

The Goods Movement Projects of National Economic Significance is legislation that addresses some of our nation's most pressing transportation and economic needs.

THIS IS THE PROBLEM

How freight moves through our communities is an important issue with far reaching implications. Goods movement is the driving force of our nation's economy. This is a state issue, a Federal issue and it is an issue that directly affects the communities in which we live.

According to the Federal Highway Administration, $7.4 trillion in goods were moved on the nation's highway system in 1998, directly employing 10 million people.

In 2000, $706 billion in international merchandise trade flowed through U.S. Seaports and $646 billion was handled by our Railroads.

The volume of goods is projected to grow nationally by 67 percent over the next two decades.

This tremendous growth in international trade will continue to place an increasingly heavy burden on our nation's seaports, trade corridors, highways and rail lines.

Traffic congestion, delays, accidents, and freight transportation costs have increased as a result.

On a human level—our citizens are spending more and more time stuck in traffic instead of at home with their families.

THIS IS THE HISTORY

Over the past 30 years our population has grown, our international trade has increased and our congestion has worsened.

For example, in 1970, trade was 12 percent of U.S. gross domestic product (GDP). Today, it is over 25 percent.

Since 1970 the population of the U.S. has grown by 40 percent. At the same time, the number of registered vehicles has increased by 100 percent while our road capacity has increased by only 6 percent.

By the year 2020, shipment of containerized cargo moving in and out of the United States will increase by more than 350 percent.

By the year 2020, total domestic tonnage of freight carried by all U.S. freight systems will increase by at least 67 percent and international trade will increase by nearly 100 percent.

The transportation reauthorization bill is the perfect opportunity for us to address these pressing transportation infrastructure needs.

TEA–21 began to address Goods Movement issues with the creation of the Borders and Corridors Program.

But we need to take it further during this reauthorization bill.

Back in 1998 when the Borders and Corridors program was created in TEA–21, the intent was to create a discretionary program that provided federal funding for transportation projects and initiatives that supported, enhanced and helped the movement of goods and economic development through the gateway and trade corridors in this country.

The program provided $140 million a year. During the first 3 years the Federal Highway Administration (FHWA) received over $2 billion in grant requests per year.

After the third year, the entire Borders and Corridors program had been earmarked.

Aside from the fact that the authorized amount of $140 million per year was far too low to meet our Nation's infrastructure needs, the earmarking of this program has proved problematic.

It has prevented communities and regions from developing comprehensive programs and plans that addresses goods movement issues of our transportation infrastructure.

We must have a dedicated source of funding to ensure that goods movement and projects of economic significance can be built and that these projects contribute to the overall efficiency of the national transportation infrastructure.

As we continue the dialog of reauthorizing the transportation bill, the Goods Movement Projects of National Economic Significance needs to be a part of that conversation.

THIS IS WHAT WE MUST DO

Goods Movement Projects of National Economic Significance will do the following:

It will provide $3 billion per year to a Goods Movement Program.

Given the history of the Borders and Corridors Program we can safely assume that our transportation infrastructure can use at a minimum, $3 billion a year, or $18 billion for the life of the 6-year reauthorization bill.

This legislation separates the Borders and Corridors Program and creates one strong Corridor and Gateway Program.

Corridor projects represented 95 percent of the project requests for the Borders and Corridors program.

My legislation focuses our resources on projects and initiatives that promote the safe, secure and efficient mobility of goods and on the immediate and long-term needs of our transportation infrastructure.

This legislation combines and enhances elements of two highly successful transportation programs. This program uses the criteria from the Corridors program and combines it with the fiscal responsibility of the full funding grant agreement of the transit New Start Program.

Specifically, this program provides $1½ billion a year, $9 billion over the life of the reauthorization bill for local communities, states and the Federal Government to plan and build Goods Movement projects.

These projects will ultimately enhance local, regional, and state economies, and ultimately the national economy.

Finally, $1½ billion a year or $9 billion over the life of the reauthorization bill will be dedicated to funding projects of National Economic Significance.

Throughout the country there are national bottlenecks that congest our communities and slow our national economy down.

As we all know from experience—if there is a bottleneck on the highway, traffic several miles away can be affected.

If the type of gridlock that I just described happens and goes unchecked, it will affect an entire region, and the entire country, and ultimately our economy and the livability of our communities.

These are projects located throughout the country that are ready to go major investments in the national transportation infrastructure.

By funding these projects we will be stimulating the national economy while investing in the long-term health of our national transportation infrastructure.

This legislation, like the entire transportation reauthorization bill is an economic stimulus package. For every billion dollars invested in public transportation infrastructure 47,000 jobs are created.

I ask my colleagues to strongly support this legislation as part of the transportation reauthorization bill.

Join me and support The Goods Movement Projects of National Economic Significance.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addresed 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. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addresed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

(Mr. RYAN of Ohio addresed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A FREE PRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the Bush administration has openly demonstrated its dissatisfaction with the stories that the major media has chosen to broadcast about Iraq, saying that the news media too often covers the negative events that occur in Iraq but rarely reports the positive happenings there. In fact, in their peak in order to achieve its desired results, the administration has regularly pressured reporters to find the so-called good news in Iraq or lose access.

Perhaps the reason reporters have been focusing on the so-called negative stories about Iraq has something to do with the fact that since the start of the war in March, over 412 soldiers have been killed in action, in fact, two more today. Over 2,000 have been wounded and at least 7,000 have been evacuated to hospitals for noncombat medical conditions, not to mention that approximately 4,000 unarmed Iraqis have perished since the war began.

□ 2330

You have to agree, it is a bit easier to understand the media's decision about which stories to report when those tragic numbers are considered.

Still, the White House wants reporters to focus on the supposedly good news, but intimidating reporters into writing stories that make President Bush look good is not enough for the White House. Instead of just spinning the news, Bush's people want nothing short of controlling the information that comes back to the United States from Iraq. They want to have final say as to what gets reported and what does not, what the American public actually knows and what is spoken only in faded whispers halfway around the world.

So they decided to do what any autocratic, propaganda-loving dictator like Saddam Hussein himself would have done, bypass the media entirely.

The Coalition Provisional Authority, which runs Iraq and was created by the Bush administration, plans to create its own broadcast operation which will broadcast live to the United States 24 hours a day from Iraq, and one of the worst parts about this project is that the money to pay for it comes from the $87 billion in emergency supplemental funds that Congress recently approved to continue military operations in Iraq. That means that the U.S. taxpayers are paying for Bush's propaganda campaign that attempts to falsify and falsely mold their perceptions about the increasingly unsustainable situation in Iraq.

Mr. Speaker, this is not the first time the Bush administration has dared to control the media. Fearing that support for his Iraq policy would fade if Americans caught sight of U.S. soldiers returning home in flag-draped caskets, the Bush administration banned all news coverage and photography of dead soldiers' homecomings on all military bases. This new, government-run propaganda operation, which is informally referred to within the administration as C–SPAN Baghdad, represents a new low even for the Bush administration. Influencing the media is one thing; controlling it is something entirely different.

Mr. Speaker, we must stay on top of this.

HISTORY OF MEDICAID

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I want to give my colleagues a little bit of history about the entitlement programs.

When I was in the Indiana State Senate in 1969, the Federal Government came to Indiana and said if we did not take the Medicaid program, they would withdraw $2.5 million in Federal highway funds from Indiana. They were, in effect, blackjacking our State, and I went to the floor of the State Senate and said we ought to tell them to keep their $2.5 million because it will cost us 10 times that much if we take the Medicaid program. Boy, was I off.

The Medicaid program that we thought would end up around $20, $25 million is now $1.4 billion or 70 times, 70 times what we anticipated, and then the Medicare program, which was passed in 1965 I believe, it was supposed to cost $3 billion the first year. In fact, it was $3 billion. In 2001, it was $241 billion. That is 80 times more, 80 times more than it was initially.

The prescription drugs that are in the bill that we are talking about right now they said was going to cost $400 billion, that provision. The bill has not even gotten out of the conference committee yet, and it is already up to $432 billion according to CBO. If we look at the way the Medicaid program has progressed over the past 25 to 30 years and we look at how the Medicare program has progressed over the past 25 to 30 to 40 years, we can assume that the prescription drug benefit is going to go out of sight as well, and if that happens, if it goes up say 70 times, like Medicare and Medicaid did, we could see an annual expenditure for prescription drugs of $2- or $3 trillion. This thing could bankrupt America.

So we should be looking at another approach, which is the reimportation that we talked about, putting competition and market prices into effect and competition to keep the prescription drug prices down. Seventy-six percent of the seniors in this country already have prescription drug coverage. So we are only talking about the other 24 or 25 percent, and yet we are going to have an all-encompassing program when we should only be helping those who truly need the help, but for those who really are looking forward to the program, let me just give my colleagues some facts, and I hope that there may be some seniors and my colleagues who are paying attention to this.

The premium per year is $420. Then there is an additional $275 deductible. That is a total of $695 the seniors will have to pay before they get a dime, and then they pay 25 percent of the first $2,200 of prescription drugs that they buy. That is another $550. So they are going to pay $1,245 before they get a dime, $1,245, and then for that $1,245, they are going to get $1,650 in coverage.

That is not the end of it because between $2,200 and $3,600 there is no coverage whatsoever. So that is another $1,400 that they will be out of pocket. If we add that together, that means if a senior citizen has to spend $3,000 on

prescription drugs or if that is what the cost is, they are going to get $1,650 of that $3,000, and for that $1,650, they are going to pay $2,645. That is not a good deal for them. It is a very bad deal.

Granted, some of the impoverished people who are a little bit below the poverty line are going to get a better deal than that, but the average senior is going to pay more than they are going to get if their bill is say a $3,000 prescription drug bill because they are going to pay $2,645 for the coverage that they are going to get, and that is $1,650 of the $3,000.

I think that the AARP people and everybody else ought to take a hard look at that because I think the American seniors are being misled about this. We need to provide prescription drug coverage for those who truly need it, who cannot get it because of health reasons or cannot afford it, but we should have not a program that covers everybody when we cannot afford that. The cost is going to be extraordinarily high.

What we should be doing instead is working on reimportation, market prices and competition, as the gentleman from Minnesota (Mr. GUTKNECHT) has been advocating for a long, long time. If we did that, we could solve the problem, and we would not have to spend hundreds of billions of dollars of taxpayers' money to do it.

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

Mr. BURTON of Indiana. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I really want to applaud the gentleman for his work, along with the gentleman from Minnesota (Mr. GUTKNECHT), on the reimportation of drugs.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY 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 Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE 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 Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT 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 Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

(Mr. LANGEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MEDICARE CONFERENCE REPORT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for half the time until midnight as the designee of the minority leader, which is approximately 10 minutes.

Mr. PALLONE. Mr. Speaker, I just tell my colleague from Massachusetts that I will be glad to have him join in and make some comments during the course of my 10 minutes if he likes.

I just wanted to follow up on some of the debate that was held this evening on the motion to instruct from the gentlewoman from Nevada and particularly pay attention to some of the comments that were made by some of my Republican colleagues who I know are well-intentioned but I think were very wrong in what they said about this Medicare conference report that we are going to be voting on in a few days.

First of all, I mentioned earlier when the gentlewoman from New Mexico said that Medicare is very successful, and I said to her at the time, well, if it is very successful, then why are the Republicans in this Medicare conference report trying to essentially change and gut and I think destroy Medicare the way we know it?

□ 2340

Now, what the Democrats have been saying all along is, if you have a pot of money and you want to provide prescription drugs to senior citizens pursuant to the Medicare program, which you admit is a successful program, then why not just add the prescription drug benefit to the existing Medicare program?

We know right now that all seniors are entitled to Medicare, because if they are over a certain age, they are entitled to Medicare. It is an entitlement. We have a program for hospital care; we have a part B program for doctor care. And what the Democrats have been saying is we can simply do for prescription drugs the same thing we do with the physician care, the physician payment. Like part B, which right now says if you pay $50 a month, and after the first $100 deductible, 80 percent of your doctor bills are paid for by the Federal Government, up to a certain amount, at which time 100 percent of your bills are paid for by the Federal Government. Democrats have been saying we can add a prescription drug benefit to Medicare in the same way.

And what we actually proposed and voted on here in the House of Representatives during the summer was exactly that, a program that would say you pay $25 a month premium, after the first $100 deductible on your drug bills, 80 percent of the cost is paid for by the Federal Government. You have a 20 percent copay. And at a certain point, after you have paid a certain amount out of pocket, 100 percent of the costs are paid for by the Federal Government. Very simple. It builds on the existing Medicare program.

That is not what the Republicans are doing here. This is not even about a prescription drug benefit any more, because they are not providing a meaningful benefit. And I want to associate myself with the remarks made by the gentleman from Indiana (Mr. BURTON) when he said this is not even a benefit you will want to sign up for because you will end up paying more out of pocket than you will get back in actual benefit. So it is not a real benefit. It is not a meaningful benefit. It is not an affordable benefit. It is not a comprehensive benefit.

Most importantly, the only way you get this prescription drug benefit under the Republican proposal is if you join an HMO. You are forced, contrary to what some of my colleagues said on the other side of the aisle, you are forced under this Republican plan to join an HMO. Because the only way you could get any kind of prescription drugs without the HMO or the private plan is if it is not available in your area.

What the Republicans have done is they are putting so much money, they are giving $12 million, $1 billion, they are adding all this money to the private plans, to the HMOs, giving them all this extra money so that certainly there is going to be someone who is going to offer this managed care HMO plan, this private plan in your particular State or your particular jurisdiction, so you will be shut out. You will not be able to have traditional Medicare and get any kind of prescription drug benefit.

Now, I know that some of the discussion here tonight is, well, why does the AMA, the doctors support this? Well, why does the AARP support this? Why do the drug companies support this? There is a very simple answer to that, and it is that they are all getting a piece of the action. The AARP is essentially an insurance company, so they want to sell insurance. They think it is great. The insurance companies are all getting extra money, HMOs, private insurance companies, all getting big windfall profits from the Federal Government under this bill.

And the doctors? Well, they have been suffering. They face a 4.5 percent cut in their reimbursement rate. So what the Republican bill does is wipe out that cut and give them a 1.5 percent increase, I think. So, naturally, they feel well it is better to have a 1.5 percent increase than a 4 percent cut, so they get a piece of the pie. They think it is great.

Then what about the drug companies? Well, it is a windfall for them because there is no competition. There is no price controls. There is a specific

provision in the bill that says that the Secretary of Health and Human Services and the Medicare administrator cannot negotiate price reductions. We do it for the Veterans' Administration. We do it for the Department of Defense for our military. But we are not allowed to do it under this bill because the drug companies want a windfall.

Well, all that I have been saying and all the Democrats have been saying is if you really believe that HMOs and private plans can compete with the traditional Medicare, then why not just have pure competition? Do not give them all this money. Do not give the HMOs all this money, the insurance companies all this money. Do not give the windfall and prohibit the Secretary of Health and Human Services from negotiating prices. Have real competition. Say that the private plans have to really compete with the private plans and do not get any additional money. Or, in the case of the drug companies, have the Medicare administrator essentially negotiate through competition price reductions. That is what negotiation is all about. It is a form of competition. Do not say that they do not have the power to negotiate.

The one thing I want to say, and then I will yield to my colleague from Massachusetts, I listened to what the gentleman from Indiana (Mr. BURTON) said and he talked about reimportation. Reimportation is a form of competition. If you say that Canadian drugs can come in here, you are creating a form of free-market competition with the companies here that want to charge the higher prices.

But, no, we cannot have competition, we cannot have free market, we have to prohibit the Canadian drugs from coming in here. This bill is not competition. This is a windfall for the HMOs. This is a giveaway to the drug companies and the insurance companies.

And I want to yield to my colleague from Massachusetts because he wants to talk about the date.

Mr. DELAHUNT. Mr. Speaker, I want to pose a question to the gentleman from New Jersey (Mr. PALLONE) and then restate the question that I was going to ask to the gentleman from Indiana (Mr. BURTON).

I think it is important that the seniors in this country who happen to be viewing us tonight understand that next year, when they go to their local pharmacist and present their Medicare card, will they get a drug benefit under this particular proposal?

Mr. PALLONE. Reclaiming my time, Mr. Speaker, they will get nothing. They will get nothing, because under the Republican proposal, and I think it is very important that you mentioned it, this plan does not go into effect until the year 2006.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will continue to yield to me, seniors better live to 2006. They do not want to get sick in 2003 or 2004 or 2005.

Now, I look at my two colleagues from the other side of the aisle, and I think we can all agree that next year, 2004, happens to be an election year. Is that an accurate statement?

Mr. PALLONE. Absolutely, for President, Senate, and House.

Mr. DELAHUNT. If the gentleman will continue to yield, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Indiana (Mr. BURTON) are both here, so let me just emphasize this. One of the great bipartisan efforts that this House has witnessed since I have served in this Congress is under the leadership of both of those gentlemen, along with yourself, the gentleman from Illinois (Mr. EMANUEL), and other Democrats when we got through this Chamber against the forces of the pharmaceutical industry. And it was a shock for everyone, the right of Americans to reimport drugs from Canada. And so they deserve credit along with those who worked very hard to get it accomplished.

But can the gentleman from Indiana (Mr. BURTON) tell me, is there anything in this bill that will be coming to the floor this week that allows for reimportation? And if it does, is it real and tangible, something, as the gentleman from New Jersey indicates, which will allow for real competition? Because you know and the gentleman from Minnesota (Mr. GUTKNECHT) knows and the gentleman from New Jersey (Mr. PALLONE) knows, they purchase their drugs significantly cheaper in Canada than our folks do here.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman from New Jersey will yield, the language in the bill is essentially the same as it is right now, and that is that the head of the health agency, HHS, all he has to do is say there is a safety issue, which he has already said, and there will be no reimportation.

Mr. DELAHUNT. So there is no reimportation under this bill. That is important.

Mr. PALLONE. Mr. Speaker, I think the gentleman from Massachusetts is making a very good point, which is essentially this bill is nothing but an election-year gimmick. The bottom line is if they are really serious about providing a prescription drug benefit, and I will grant I do not like what they are suggesting, because I do not think it is a real benefit, why are they not doing it now? Why are they not doing it in 6 months? Why are they not doing it in a year? They wait until 2006 because they do not have any intention of doing anything, and they are hoping people do not find out until 2006 what a terrible bill this is.

As the gentleman from Indiana (Mr. BURTON) said, even if you bought into the idea we could wait until 2006, and I do not, why not let reimportation take place in the meantime, so at least people can get the cheaper drugs from Canada? But they are not going to do that because they want the drug companies to have the windfall, and the drug companies are against reimportation.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will yield for a moment, what is happening here is competition is being precluded by this bill and huge amounts of dollars, tens of billions of dollars, are being given to the pharmaceutical industry. That is what this bill is about.

□ 2350

FAIR DRUG PRICES IN AMERICA

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized until midnight as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I want to respond to something that the gentleman from Massachusetts (Mr. DELAHUNT) just spoke about. He asked if there would be any chance for market competition or bringing access to markets into this bill. The truth of the matter is, and I think the gentleman from Indiana answered the question almost correctly, the answer is this bill actually makes the situation worse.

Currently, under current law, and this is not part of my bill, but this is current law, Americans have access to drugs from 26 different countries subject to the approval of the Secretary of HHS. Under the present Republican and under the previous Democratic administrations, we have two administrations who have refused to allow Americans to really have that access. I would like to talk about this issue because I think Members need to know that some time later this week we are probably going to have a vote on this very important issue.

The gentleman from Massachusetts (Mr. DELAHUNT) also said the pharmaceutical companies might make tens of billions of dollars more in profits. I think that is probably being conservative. There is an estimate done by the University of Boston or Boston College as it used to be known, who has done a study who estimates that the pharmaceutical companies under this legislation stand to make an additional $139 billion in profit.

Now, I am a Republican, I believe in profit. There is nothing wrong with the word ''profit,'' but there is something wrong with the word ''profiteer.'' I think it is a little like what the Supreme Court said a number of years ago about whether or not something was too graphic or whether or not it was pornography; we do not necessarily have to be able to define it to know it when you see it.

I want to talk about the differences between what Americans actually pay for prescription drugs. People may argue about the source of this chart, but the more one looks at this chart, the more other people have actually done their own analysis, they have

come to the same conclusion. These numbers are about a year and a half old and the numbers have changed slightly, but the percentages are still the same.

Augmentin, the average price in the United States for a 30-day supply is $55.50. In Europe that drug can be bought for $8.75, and in Canada the price is $12.

Cipro, a very effective antibiotic, and probably when we had the scare with the anthrax, one of the most effective antibiotics ever developed, developed by a German company called Bayer. They sell the drug here in the United States for about $88. They sell it in Canada for $53, but in Europe you can buy the same drug for $46.

Glucophage, one of the most effective antidiabetic drugs, developed here in the United States. Somehow it is hard to explain to our constituents that here in the United States that drug will sell for $124.65. One can buy it in Canada for $26.47, but it is available in Europe for $22.

Why is it so much cheaper in Canada and Europe and some people say they have price controls, and we do not believe in price controls. In some respects that is true, but in Europe they make the drugs less expensive because they allow parallel trading. So a pharmacist in Germany if he can buy that Glucophage cheaper in Spain or Norway, he can buy it in Spain or Norway. That is called parallel trading, and that is allowed in most of the European Union.

Let me tell Members something about the Europeans. They are not intrinsically smarter than Americans, and they do not have all of these safety concerns that our FDA does. They do keep records, and they know that almost nobody dies in Europe or Canada. I can go through this list, and the numbers, as I say, they are slightly different, but the percentages are almost always the same. The bottom line is this: The world's best customers, the American consumers, pay the world's highest prices in virtually every single category, and not just a little bit more, we pay a lot more. In fact, in almost every category, it is almost 30 percent more, and in some categories it is almost 300 percent more.

For example, Tamoxifen is probably the most effective antibreast cancer drug ever developed. It was developed here in the United States, and it was developed by the American taxpayer. It was developed with funds from taxpayers. Taxpayer money through the CDC, through the NIH, we took that drug all of the way through phase two trials. Once we had it almost ready for market, we licensed it to a pharmaceutical company. Our reward, the taxpayers' reward, was they sell it to American consumers for $360 a month on average. They sell it in Canada for $60. They sell in Europe for $50.

I think we ought to pay our fair share for the research costs, and I think we ought to subsidize the people in sub-Saharan Africa, but we do not need to subsidize the starving Swiss. It is time to open the markets. We have open markets when it comes to oranges and raspberries and almost every other product except prescription drugs.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I want to acknowledge the gentleman's expertise. There is no one in this institution that has the depth of knowledge on the subject than the gentleman, and is certainly someone who is highly respected and regarded on this side of the aisle.

During the course of the debate, there has been much attention given to the so-called safety issue. I do not know whether you have this, but can you inform me and my other colleagues and those that might be watching in terms of those in Canada or those Americans who have purchased pharmaceuticals from Canada, what are the numbers, how many fatalities are there, how many reported problems attendant to safety have actually occurred?

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for asking that important question because we hear the FDA and the pharmaceutical reps and other people saying it is safety, and this Henny Penny the sky is falling, but we keep records on this. The CDC keeps amazing records on how many people have died from taking drugs from other countries. The CDC is the official recordkeeper of all health statistics here in the United States. They keep very good records. We have had them testify in front of the subcommittee of the gentleman from Indiana (Mr. BURTON), and we have asked how many have died, and it is an easy, round number, and the number is zero.

We also know if we go to the CDC files, we will find 264 Americans have become seriously ill from eating raspberries from Guatemala. So in effect, we are 264 times more likely to become seriously ill eating vegetables or fruits from other countries than from prescription drugs.

Tomorrow night we are going to have another Special Order, and I invite people from the entire political spectrum, let us come down and talk about this because this is not a Republican issue, this is not a Democratic issue or right versus left, its right versus wrong. And what this House decided a few months ago on an overwhelming majority, it is wrong to hold American consumers captive. That is what is happening today. If this bill passes later this week, that is exactly what will continue to happen. I warn my colleagues that they will have to go home to their constituents and they are going to get asked a couple of very tough questions. And the first question is: Why is it Americans pay so much more for Tamoxifen or Glucophage or Coumadin or any of these other drugs, why is it we pay so much more?

That is a tough question, but here is an even tougher question that they are going to have to answer: Congressman, what did you do about it? Ultimately, we are all going to have those kinds of questions. Republicans will have to answer them, and Democrats will have to answer them. That is why I think we ought to come together on a bipartisan basis and pass a bill that makes sense, that opens markets, allows competition. I am one who happens to believe in free markets and in competitive markets. I know this, when we have competitive markets, ultimately, the prices will level. The prices in Canada may go up a little bit, and the prices in Germany may go up a little bit, but the prices here in the United States will go down.

I do not want American consumers going to Canada to buy their drugs. I do not want them to buy their drugs from Germany. I want to force the pharmaceutical companies to adjust their pricing strategies so we get fair prices here in the United States.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5421. A letter from the Secretary, Department of Agriculture, transmitting the Department's draft bill entitled, ''To make technical ammendments to the Commodity Promotion, Research, and Information Act of 1996''; to the Committee on Agriculture.

5422. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tebufenozide; Extension of Tolerance for Emergency Exemptions [OPP-2003-0329; FRL-7330-2] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5423. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 99-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5424. A letter from the Acting, Under Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting four quarterly Selected Acquisition Reports (SARs) for the quarter ending September 30, 2003, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

5425. A letter from the Director, Office of Management and Budget, transmitting appropriations reports containing OMB cost estimates for P.L. 108-26 and P.L. 108-27, which became law on May 28, 2003, P.L. 108-40, which became law on June 30, 2003, and P.L. 108-74, which became law on August 15, 2003; to the Committee on the Budget.

5426. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled ''Olmstead: Reclaiming Institutionalized Lives,'' pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

5427. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Regional Haze Rules to Correct Mobile Source Provisions in Optional Program for Nine Western States and Eligible Indian Tribes Within that Gegraphical Area; Direct Final Rule, Removal of Amendments. [FRL-7579-6] received October 24, 2003, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

5428. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Revisions to Stage I and Stage II Vapor Recovery at Gasoline Dispensing Facilities [DE067-1041a; FRL-7586-2] received November 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5429. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Kansas Update to Materials Incorporated by Reference [KS-192-1192; FRL-7580-6] received November 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5430. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval And Promulgation of Implementation Plans; Texas; Revisions to Regulations for Permits by Rule, Control of Air Pollution by Permits for New Construction or Modification, and Federal Operating Permits [TX-154-1-7590; FRL-7585-8] received November 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5431. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District; San Joaquin Valley Unified Air Pollution Control District [CA261-0420a; FRL-7582-2] received November 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5432. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Final Approval Of Operating Permit Program Revision; Michigan [MI 82-02; FRL-7585-3] received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5433. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Reconsideration [FRL-7583-7, E-Docket ID No. A-2001-0004 (Legacy Docket ID No. A-90-37)] received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5434. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Trade Secrecy Claims for Emergency Planning and Community Right-to-Know Information; and Trade Secret Disclosures to Health Professionals; Amendment [SFUND-1988-0002; FRL-7584-8] received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5435. A letter from the Deputy Secretary, Department of State, transmitting the annual report of the activities of the United Nations and of the participation of the United States therein during the calendar year 2002, pursuant to 22 U.S.C. 287b; to the Committee on International Relations.

5436. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 120-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5437. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the United Kingdom (Transmittal No. DTC 112-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5438. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-08 on Waiver of Restrictions on Assistance to Russia under the Cooperative Threat Reduction Act of 1993, as amended, and the Section 502 of the FREEDOM Support Act, pursuant to 22 U.S.C. 5952 note; to the Committee on International Relations.

5439. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective October 5, 2003, the 15% Danger Pay Allowance for Saudi Arabia was terminated due to the ending of authorized departure status, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

5440. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled ''Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes,'' pursuant to Public Law 103—236, section 527(f); to the Committee on International Relations.

5441. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that the Ukraine is committed to the courses of action described in section 1203 (d) of the Cooperative Threat Reduction Act of 1993 (Title XII of Public Law 103-160) as amended, and Section 502 of the FREEDOM Support Act (Public Law 102-511); to the Committee on International Relations.

5442. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Commission's new Strategic Plan, prepared in response to the Government Performance and Results Act of 1993 (Results Act); to the Committee on Government Reform.

5443. A letter from the Director, Office of Management and Budget, transmitting the Office of Management and Budget's Fiscal Year 2003 Inventory of Commercial Activities, pursuant to Public Law 105—270; to the Committee on Government Reform.

5444. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's draft bill entitled, ''To adjust the boundary of John Muir National Historic Site, and for other purposes''; to the Committee on Resources.

5445. A letter from the Clerk, United States Court of Appeals for the District of Columbia, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit (02-5056--The Williams Companies and Dynegy Midstream Services, Limited Partnership v. Federal Energy Regulatory Commission (October 10, 2003)); to the Committee on Resources.

5446. A letter from the Assisatnt Secretary of the Army for Civil Works, Department of Defense, transmitting A report on Aquifer Storage and Recovery Project, Miami-Dade County, Florida, pursuant to Public Law 106—541, section 601 (m) (114 Stat. 2692); to the Committee on Transportation and Infrastructure.

5447. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Hameland Security, transmitting the Department's final rule — Security Zone; Tampa, Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa and Crystal River, Florida [COTP Tampa 03-006] (RIN: 2115-AA97) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5448. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hatteras Island, NC [CGD05-03-166] (RIN: 1625-AA00) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5449. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Iowa and Illinois [CGD08-03-035] (RIN: 1625-AA09) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5450. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Mianus River, CT. [CGD01-03-101] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5451. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sacramento River, Sacramento, CA [COTP San Francisco Bay 02-018] (RIN: 2115-AA97) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5452. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Brunswick River, Brunswick, GA [COTP Savannah-03-111] (RIN: 1625-AA00) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5453. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, International Trade and Convention Center, Savannah, GA [COTP Savannah 02-110] (RIN: 2115-AA97) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5454. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [COTP Savannah 02-090] (RIN: 2115-AA97) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5455. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30390 ; Amdt. No. 3077] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5456. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747SP and 747SR; 747-100B, -200B, -200C, -200F, -300, -400,and -400D; and 767-200 and -300 Series Airplanes [Docket No. 2002-NM-106-AD; Amendment 39-13326; AD 2003-20-08] (RIN: 2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5457. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airwothiness Directives; McDonnell Douglas Model DC-9-31 and DC-9-32 Airplanes [Docket

No. 2003-NM-61-AD; Amendment 39-13324; AD 2003-20-06] (RIN: 2120-AA64) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5458. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30391 ; Amdt. No. 3078] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5459. A letter from the Assistant Chief Counsel, FHA, Department of Transportation, transmitting the Department's final rule — Advance Construction of Federal-aid Projects [FWHA Docket No. FHWA-1997-2262; Formerly FHWA 95-10] (RIN: 2125-AD59) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5460. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Nonpoint Source Program and Grants Guidelines for States and Territories — received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5461. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Water Quality Standards; Withdrawal of Federal Aquatic Life Water Quality Criteria for Copper and Nickel Applicable to South San Francisco Bay, California [FRL-7583-9] received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5462. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Water Quality Standards; Withdrawal of Federal Nutrient Standards for the State of Arizona [FRL-7584-1] received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5463. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Determination pursuant to Section 344(b) of the Trade Act of 2002; to the Committee on Ways and Means.

5464. A letter from the Secretary, Department of Homeland Security, transmitting a letter correcting the legal citation of a letter dated May 23, 2003; to the Committee on Homeland Security (Select).

5465. A letter from the Secretary, Department of Homeland Security, transmitting notification of the establisment of an organizational unit within the Department of Homeland Security and the reallocation of functions among officers at the Department, pursuant to Public Law 107—296, section 874; to the Committee on Homeland Security (Select).

5466. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-04 on Waiving and Certification of Statutory Provisions Regarding the Palestine Liberation Organization; jointly to the Committees on International Relations and Appropriations.

5467. A letter from the Secretary, Department of Homeland Security, transmitting notification of the transfer of a function within the Department of Homeland Security, pursuant to Public Law 107—296, section 872; jointly to the Committees on Transportation and Infrastructure and Homeland Security (Select).

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 2584. A bill to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship (Rept. 108–378). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2907. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; with an amendment (Rept. 108–379). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 3506. A bill to amend the Federal Power Act to authorize a State to regulate the sale at wholesale of electric energy generated, transmitted, and distributed solely within that State, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHERMAN (for himself, Mr. ISRAEL, Mr. CROWLEY, Mrs. MCCARTHY of New York, Mr. WEINER, Mr. LYNCH, Mr. GEORGE MILLER of California, Mr. FARR, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mrs. CAPPS, Mrs. DAVIS of California, Ms. LOFGREN, Ms. PELOSI, Mr. MATSUI, Mr. SCHIFF, Ms. LEE, Mr. BERMAN, Mr. HONDA, Mr. LANTOS, and Ms. HARMAN):

H.R. 3507. A bill to expand homeownership opportunities in States having high housing costs; to the Committee on Financial Services.

By Mr. HOUGHTON (for himself and Mr. RANGEL):

H.R. 3508. A bill to amend the Internal Revenue Code of 1986 to expand the tax benefits for the New York Liberty Zone; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. BARTLETT of Maryland, Mr. EHLERS, Mr. FROST, Mr. BOEHLERT, Mr. VAN HOLLEN, Mr. LEACH, Mr. LARSEN of Washington, Mr. UDALL of Colorado, Ms. BALDWIN, Mr. BLUMENAUER, Mrs. DAVIS of California, Mr. GUTIERREZ, Mr. HASTINGS of Washington, Mr. HINCHEY, Mrs. JONES of Ohio, Ms. KAPTUR, Ms. LEE, Mr. MCDERMOTT, Mr. SMITH of Washington, and Ms. WOOLSEY):

H.R. 3509. A bill to amend the Public Utility Regulatory Policies Act of 1978 to promote energy independence and self-sufficiency by providing for the use of net metering by certain small electric energy generation systems, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LYNCH:

H.R. 3510. A bill to designate Angola under section 244 of the Immigration and Nationality Act in order to make nationals of Angola eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. MARKEY:

H.R. 3511. A bill to amend the Communications Act of 1934 to require vendors of multichannel services to protect the privacy of their customers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OTTER (for himself, Mr. MCDERMOTT, Mr. DICKS, Mr. SMITH of Washington, Ms. DUNN, Mr. HASTINGS of Washington, Mr. SIMPSON, Mr. LARSEN of Washington, Mr. NETHERCUTT, Mr. BAIRD, Mr. INSLEE, Mr. REHBERG, Mr. YOUNG of Alaska, and Mrs. CUBIN):

H.R. 3512. A bill to provide for the establishment of demonstration programs to address the shortages of health care professionals in rural areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 3513. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Pennsylvania:

H.R. 3514. A bill to authorize the Secretary of Agriculture to convey certain lands and improvements associated with the National Forest System in the State of Pennsylvania, and for other purposes; to the Committee on Agriculture.

By Mr. THORNBERRY (for himself and Mr. SNYDER):

H.R. 3515. A bill to establish an independent nonpartisan review panel to assess how the Department of State can best fulfill its mission in the 21st century and meet the challenges of a rapidly changing world; to the Committee on International Relations.

By Mr. WAXMAN:

H.R. 3516. A bill to suspend temporarily the duty on 586 intermediate blended colorants in acqueous solution; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 3517. A bill to suspend temporarily the duty on 786 neutral vinyl acetate polymer in acqueous solution; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 3518. A bill to suspend temporarily the duty on 486 paint based on aqueous vinyl polymer; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. TAYLOR of Mississippi, Mr. UPTON, Mr. DAVIS of Florida, Mr. CASTLE, Mr. MEEKS of New York, and Mr. HOUGHTON):

H. Con. Res. 325. Concurrent resolution resolution honoring the members of the National Guard and Reserve components of the Armed Forces; to the Committee on Armed Services.

By Mrs. NAPOLITANO (for herself, Mr. FARR, Mr. GRIJALVA, Mr. MCNULTY, Ms. ROS-LEHTINEN, Mrs. TAUSCHER, and Mr. WOLF):

H. Con. Res. 326. Concurrent resolution expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release; to the Committee on International Relations.

By Mr. CROWLEY (for himself, Mr. SMITH of New Jersey, Mr. EVANS, and Mr. ENGLISH):

H. Con. Res. 327. Concurrent resolution calling on the Government of Indonesia and the Free Aceh Movement to immediately declare a ceasefire and halt hostilities in the Indonesian province of Aceh, end all human rights violations, and return to negotiations with significant Acehnese civil society and international involvement, and for other purposes; to the Committee on International Relations.

By Mr. TOM DAVIS of Virginia:

H. Con. Res. 328. Concurrent resolution recognizing and honoring the United States Armed Forces and supporting the designation of a National Military Appreciation Month; to the Committee on Government Reform.

By Mr. CARDIN (for himself, Mr. VISCLOSKY, and Mr. LEVIN):

H. Res. 445. A resolution expressing the disapproval of the House of Representatives with respect to the report issued on November 10, 2003, by the World Trade Organization (WTO) Appellate Body which concluded that United States safeguard measures applied to the importation of certain steel products were in violation of certain WTO agreements, calling for reforms in the WTO dispute settlement system, and for other purposes; to the Committee on Ways and Means.

By Mr. RYUN of Kansas (for himself, Mr. OTTER, Mr. SAM JOHNSON of Texas, Mrs. MUSGRAVE, Mr. ISTOOK, Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, Mr. TOOMEY, and Mr. HOSTETTLER):

H. Res. 446. A resolution expressing the sense of the House of Representatives that the Supreme Court should base its decisions on the Constitution and the Laws of the United States, and not on the law of any foreign country or any international law or agreement not made under the authority of the United States; to the Committee on the Judiciary.

By Mr. TOWNS (for himself, Ms. NORTON, Mrs. CHRISTENSEN, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. OWENS, Mr. BISHOP of Georgia, and Mr. SCOTT of Georgia):

H. Res. 447. A resolution recognizing the horrific effects of obstetric fistulas and urging that programs be initiated to prevent and treat obstetric fistulas; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H. Res. 448. A resolution recognizing the establishment of the Rotary Club of Capitol Hill and the important contributions of Rotary Clubs to society; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

215. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 20 memorializing the United States Department of Homeland Security to locate its Midwestern headquarters at the Selfridge Air National Guard Base in Macomb County; to the Committee on Homeland Security (Select).

216. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 47 memorializing the United States Department of Homeland Security to locate its Midwestern headquarters at the Selfridge Air National Guard Base in Macomb County; to the Committee on Homeland Security (Select).

217. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 51 memorializing the Secretary of the Department of Homeland Security to establish a Pacific Oceanic Administrative Region within the Department of Homeland Security to be headquartered in Honolulu; to the Committee on Homeland Security (Select).

218. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 307 expressing opposition to the move of Head Start funding by the federal government from the Department of Health and Human Services to the Department of Education and also expressing opposition to provide Head Start funding on a block grant basis; to the Committee on Education and the Workforce.

219. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 4 memorializing the United States Congress to enact legislation to give states the authority to ban out-of-state solid waste; to the Committee on Energy and Commerce.

220. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 12 memorializing the United States Congress to enact legislation to authorize states to prohibit or restrict foreign municipal solid waste and to urge the Environmental Protection Agency to ensure full compliance with the Agreement Between the Governemnt of Canada and the Government of the United States Concerning the Transboundary Movement of Hazardous Waste; to the Committee on Energy and Commerce.

221. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 167 memorializing the United States Congress to enact legislation to extend to the states more authority for the management of solid waste; to the Committee on Energy and Commerce.

222. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 52 memorializing the United States Congress to enact legislation to include the services of licensed professional conselors and marriage and family therapists among services covered under Medicare; jointly to the Committees on Ways and Means and Energy and Commerce.

223. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 318 memorializing Congress to enact, and the President of the United States to sign into law, a prescription drug benefit in the Medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BILIRAKIS.
H.R. 162: Mr. MCCOTTER.
H.R. 218: Mr. NUNES.
H.R. 290: Mr. DAVIS of Illinois, Mr. GREENWOOD, and Ms. MCCARTHY of Missouri.
H.R. 339: Mr. BURGESS.
H.R. 358: Mr. PAUL.
H.R. 369: Mr. GEPHARDT.
H.R. 375: Mr. ROGERS of Alabama.
H.R. 463: Ms. GRANGER and Mrs. BIGGERT.
H.R. 570: Mr. Baird.
H.R. 571: Mr. VISCLOSKY and Mr. BURGESS.
H.R. 738: Ms. LEE.
H.R. 745: Mr. KENNEDY of Rhode Island.
H.R. 785: Mr. BEAUPREZ, Mr. DELAHUNT, and Mr. LANGEVIN.
H.R. 798: Mr. GERLACH.
H.R. 811: Ms. LEE.
H.R. 814: Mr. MICHAUD, Mr. SNYDER, and Mr. SAXTON.
H.R. 857: Mr. LARSON of Connecticut and Mr. GRIJALVA.
H.R. 876: Mr. SANDLIN, Mr. NEY, Mrs. EMERSON, Mr. PEARCE, Mr. HINCHEY, Mr. GILCHREST, and Mr. MCDERMOTT.
H.R. 898: Mr. JANKLOW and Mr. HOEKSTRA.
H.R. 919: Mr. REHBERG and Mr. MCCOTTER.
H.R. 935: Mr. OLVER.
H.R. 956: Mr. GREEN of Texas, Mr. MCGOVERN, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mrs. MCCARTHY of New York, Mr. GUTIERREZ, and Mr. MEEKS of New York.
H.R. 970: Mr. STARK.
H.R. 973: Mr. CRANE.
H.R. 1032: Mr. GOODE.
H.R. 1034: Mr. FROST, Mr. JACKSON of Illinois, and Mr. HONDA.
H.R. 1049: Mr. ANDREWS.
H.R. 1056: Mr. CARDIN.
H.R. 1057: Mr. TOOMEY and Mr. BEAUPREZ.
H.R. 1117: Mr. CUNNINGHAM, Mr. BEAUPREZ, Mr. PEARCE, and Mr. RADANOVICH.
H.R. 1125: Mr. HOLDEN.
H.R. 1155: Mr. TIBERI and Mr. ROTHMAN.
H.R. 1179: Mr. SAXTON.
H. R. 1205: Mr. KENNEDY of Rhode Island.
H.R. 1212: Ms. KILPATRICK.
H.R. 1220: Mrs. MILLER of Michigan and Mr. TERRY.
H.R. 1258: Mr. VAN HOLLEN and Mr. ROTHMAN.
H.R. 1295: Ms. MCCARTHY of Missouri, Mr. JACKSON of Illinois, and Mr. COOPER.
H.R. 1310: Mr. BURNS.
H.R. 1345: Mr. OLVER.
H.R. 1372: Ms. PRYCE of Ohio and Mr. CUNNINGHAM.
H.R. 1406: Mr. DEAL of Georgia.
H.R. 1414: Mr. TAUSCHER and Ms. SCHAKOWSKY.
H.R. 1430: Mr. GREEN of Texas, Mr. ACKERMAN, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mrs. MCCARTHY of New York, Mr. PRICE of North Carolina, Mr. GUTIERREZ, and Mr. MEEKS of New York.
H.R. 1483: Mrs. CAPPS.
H.R. 1499: Mr. MCDERMOTT and Mr. MORAN of Virginia.
H.R. 1592: Mr. PAUL.
H.R. 1622: Mr. PICKERING.
H.R. 1634: Mr. POMEROY.
H.R. 1657: Mr. PASTOR and Mr. HINCHEY.
H.R. 1699: Mr. NEY.
H.R. 1749: Ms. BORDALLO.
H.R. 1752: Mr. GUTIERREZ.
H.R. 1783: Mrs. MYRICK.
H.R. 1784: Mr. MORAN of Virginia.
H.R. 1793: Mr. KING of Iowa.
H.R. 1819: Mr. DOYLE and Mr. KING of Iowa.
H.R. 1863: Mr. PAYNE, Mr. GRIJALVA, and Mr. DOYLE.
H.R. 1865: Ms. NORTON.
H.R. 1914: Mr. BLUMENAUER, Mr. CARTER, Mr. MCCRERY, Mr. BISHOP of Utah, Mr. BONILLA, Mr. CULBERSON, Mr. DELAHUNT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DREIER, Mr. HOSTETTLER, Mr. HUNTER, Mr. KELLER, Mr. KNOLLENBERG, Mr. PICKERING, Mr. RENZI, Mr. RYUN of Kansas, Mr. BRADY of Texas, Mr. CUMMINGS, Mr. DICKS, Mrs. EMERSON, Mr. FRELINGHUYSEN, Mr. FLAKE, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. HASTINGS of Washington, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Kentucky, Mr. MCINNIS, Mr. MICA, Mr. NORWOOD, Mr. POMBO, Mr. ROTHMAN, Mr. RYAN of Wisconsin, Mr. SHADEGG, Mr. WAMP, Mr. YOUNG of Florida, Mrs. CAPPS, Mr. CLAY, Mr. DUNCAN, Mr. FOLEY, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KIRK, Mr. LATHAM, Ms. MCCOLLUM, Mr. MCHUGH, Mrs. NAPOLITANO, Mrs. NORTHUP, Mr. REYES, Mr. REYNOLDS, Ms. SCHAKOWSKY, Mr. SHAW, Mr. SWEENEY, Mr. VITTER, Ms. WATSON, Mr. WEXLER, Mr. WHITFIELD, and Mr. SERRANO.
H.R. 1918: Ms. CARSON of Indiana.
H.R. 1919: Ms. NORTON, Mr. SANDERS, and Mr. CARDOZA.
H.R. 1993: Mr. WEXLER.
H.R. 2011: Mr. WATT.
H.R. 2038: Mr. PALLONE.
H.R. 2060: Ms. WOOLSEY.
H.R. 2094: Mr. GORDON, Ms. BERKLEY, and Mr. FARR.
H.R. 2157: Mr. CROWLEY and Mr. PAYNE.
H.R. 2214: Mr. WILSON of South Carolina.
H.R. 2216: Mr. MEEKS of New York.
H.R. 2217: Mr. MILLENDER-MCDONALD, Mr. HASTINGS of Florida, and Mr. MEEKS of New York.

H.R. 2238: Mr. HOEKSTRA.
H.R. 2239: Mr. SHAYS, Mr. TOM DAVIS of Virginia, Mr. BASS, Mr. ALLEN, and Mr. CLAY.
H.R. 2323: Mr. MENENDEZ.
H.R. 2353: Mr. JACKSON of Illinois.
H.R. 2371: Mr. HOEFFEL and Mr. SHERMAN.
H.R. 2394: Mr. KIND and Mr. SCHIFF.
H.R. 2404: Mr. WEINER, Mr. MURTHA, Mr. DINGELL, Mr. HUNTER, Mr. HOUGHTON, and Mr. HOLDEN.
H.R. 2444: Mr. ROGERS of Kentucky.
H.R. 2492: Mr. BOYD.
H.R. 2505: Mr. GUTIERREZ.
H.R. 2510: Mr. CALVERT.
H.R. 2511: Mr. CARDOZA and Mrs. WILSON of New Mexico.
H.R. 2515: Mr. SHAYS, Ms. ROYBAL-ALLARD, and Ms. CARSON of Indiana.
H.R. 2516: Mr. WU.
H.R. 2579: Mr. TURNER of Ohio.
H.R. 2584: Mr. FLAKE.
H.R. 2626: Mr. MEEKS of New York.
H.R. 2699: Mr. CAMP.
H.R. 2700: Mr. GRIJALVA.
H.R. 2702: Mr. LEVIN and Mr. ROHRABACHER.
H.R. 2705: Mr. MEEHAN.
H.R. 2719: Mr. KING of New York and Mr. FILNER.
H.R. 2735: Mr. SKELTON, Mr. ISAKSON, and Mr. GRIJALVA.
H.R. 2768: Mr. STUPAK, Mr. MCHUGH, and Mr. KENNEDY of Minnesota.
H.R. 2809: Mr. SHAYS.
H.R. 2810: Mr. SHAYS.
H.R. 2816: Mr. SCHIFF and Mr. UDALL of Colorado.
H.R. 2818: Mr. GREEN of Texas and Mrs. CHRISTENSEN.
H.R. 2839: Mr. STRICKLAND, Mr. GREEN of Wisconsin, and Mr. PUTNAM.
H.R. 2853: Mr. WATT.
H.R. 2929: Mr. PICKERING, Mr. WYNN, Mr. ENGEL, Mr. RUSH, Mr. BOUCHER, and Mr. STUPAK.
H.R. 2963: Ms. LOFGREN, Ms. BORDALLO, and Mr. BLUMENAUER.
H.R. 2968: Mr. PORTER.
H.R. 2983: Mrs. CHRISTENSEN, Mr. WYNN, and Mr. RENZI.
H.R. 2986: Mr. OBERSTAR, Ms. PRYCE of Ohio, Mr. FORD, Mr. SULLIVAN, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. BRADY of Pennsylvania, Mr. MURTHA, Mr. SABO, Mr. KANJORSKI, Ms. ESHOO, Mr. HASTINGS of Florida, Mr. DICKS, Mr. JANKLOW, Mr. SIMMONS, Mr. ADERHOLT, Mr. HOBSON, Mr. COBLE, Mr. SCHROCK, Mr. ROGERS of Michigan, and Ms. HART.
H.R. 3002: Mr. DEAL of Georgia.
H.R. 3009: Mr. OWENS and Mr. VITTER.
H.R. 3024: Mr. GOODE.
H.R. 3045: Mr. SCHIFF.
H.R. 3051: Mr. STRICKLAND, Ms. WOOLSEY, Mr. GUTIERREZ, and Mr. RAHALL.
H.R. 3058: Mr. MILLER of Florida.
H.R. 3085: Mr. KUCINICH.
H.R. 3092: Mr. BERRY, Mr. BERMAN, and Mr. HASTINGS of Washington.
H.R. 3103: Ms. LOFGREN, Mr. SNYDER, and Mr. TIBERI.
H.R. 3104: Mr. MCCOTTER, Mr. JONES of North Carolina, Mr. GREEN of Wisconsin, and Mr. SPRATT.
H.R. 3111: Mr. POMEROY.
H.R. 3125: Mr. HERGER and Mr. BILIRAKIS.
H.R. 3133: Mr. SANDERS and Ms. NORTON.
H.R. 3184: Ms. MCCARTHY of Missouri.
H.R. 3191: Mr. SMITH of Texas, Mr. MARSHALL, Mr. SHAW, Mr. CALVERT, Mr. MANZULLO, Mr. GIBBONS, and Mr. GOODLATTE.
H.R. 3205: Mr. VAN HOLLEN.
H.R. 3242: Mr. PUTNAM.
H.R. 3244: Mr. MORAN of Virginia, Mr. SMITH of Washington, Ms. KAPTUR, Mr. RAHALL, Mr. GUTIERREZ, Mr. KILDEE, Mr. RODRIGUEZ, and Ms. CORRINE BROWN of Florida.
H.R. 3263: Ms. PRYCE of Ohio.
H.R. 3266: Mr. FROST, Mr. TURNER of Ohio, Mr. RANGEL, and Mr. GARRETT of New Jersey.
H.R. 3272: Mr. JONES of North Carolina.
H.R. 3277: Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. SWEENEY, Mr. NORWOOD, Mr. COLLINS, Mr. CHOCOLA, Mr. BURTON, of Indiana, Mr. DEMINT, Mr. PORTER, Mr. HYDE, Mr. WICKER, Mr. SENSENBRENNER, Mr. PETRI, Mr. POMBO, Ms. HARRIS, Mr. OSBORNE, Mr. LAHOOD, Mr. THOMPSON of California, Mr. FEENEY, Mr. COX, Mr. ROHRABACHER, Mr. STEARNS, Mr. BLUNT, Mr. SAXTON, Mr. ISSA, Mr. LINDER, Mr. TIAHRT, Mr. LOBIONDO, Mr. NEY, Mrs. CUBIN, Mr. JONES of North Carolina, Mr. WELDON of Pennsylvania, Mr. BARRETT of South Carolina, Mr. WAMP, Mr. BONNER, Mr. SHAYS, Mr. SHUSTER, Mr. RYUN of Kansas, Mr. MEEHAN, Mr. KIND, Mrs. WILSON of New Mexico, Mr. SHAW, Mrs. KELLY, Mr. CRANE, Mr. DOYLE, Mrs. MCCARTHY of New York, Mr. FATTAH, Mr. LARSON of Connecticut, Ms. PRYCE of Ohio, Mr. ENGLISH, Mr. WOLF, Mr. TURNER of Ohio, Mr. SIMPSON, Mr. EVERETT, Mr. KILDEE, Mr. BRADY of Pennsylvania, Mr. WELLER, Mr. LATOURETTE, and Mrs. NAPOLITANO.
H.R. 3294: Mr. EMANUEL.
H.R. 3307: Mr. PETERSON of Pennsylvania.
H.R. 3313: Mr. MILLER of Florida.
H.R. 3325: Mr. WAXMAN.
H.R. 3329: Mr. JONES of North Carolina.
H.R. 3338: Mr. SCOTT of Virginia, Mr. FROST, and Ms. MILLENDER-MCDONALD.
H.R. 3344: Mr. NETHERCUTT, Mr. PETERSON of Minnesota, Ms. HOOLEY of Oregon, Mr. RYAN of Ohio, and Ms. BERKLEY.
H.R. 3350: Mr. SANDERS and Mr. FROST.
H.R. 3367: Mr. ANDREWS.
H.R. 3370: Mr. TOWNS, Mr. FROST, and Mr. GORDON.
H.R. 3380: Mr. ETHERIDGE and Mr. BALLANCE.
H.R. 3394: Mr. SHAYS.
H.R. 3403: Ms. HARRIS, Mr. HALL, and Mr. WELDON of Florida.
H.R. 3412: Mrs. JONES of Ohio, Mr. PAUL, and Mr. GERLACH.
H.R. 3416: Mr. KLECZKA.
H.R. 3422: Ms. CARSON of Indiana.
H.R. 3438: Mr. KNOLLENBERG, Mr. LOBIONDO, Mr. MOORE, Mr. LYNCH, and Mr. MEEHAN.
H.R. 3441: Mr. KLECZKA, Mr. MEEKS of New York, and Mr. MCDERMOTT.
H.R. 3452: Mr. VITTER.
H.R. 3453: Mr. BACHUS, Mrs. BLACKBURN, Mrs. EMERSON, Mr. GOODE, Mr. HENSARLING, and Mr. WELDON of Florida.
H.R. 3458: Mr. DAVIS of Tennessee and Mr. TANNER.
H.R. 3459: Mr. ACEVEDO-VILA, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. FROST, Mrs. NAPOLITANO, Mr. PASTOR, Mr. ORTIZ, Mr. ORTIZ, Mr. REYES, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, and Ms. VELAZQUEZ.
H.R. 3463: Mr. ENGLISH and Mr. SAM JOHNSON of Texas.
H.R. 3492: Mr. MILLER of Florida.
H.R. 3500: Mr. BURR and Mr. MCINTYRE.
H. Con. Res. 83: Ms. NORTON.
H. Con. Res. 247: Mr. TAYLOR of North Carolina.
H. Con. Res. 276: Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, and Mr. GUTIERREZ.
H. Con. Res. 298: Mr. ROGERS of Michigan.
H. Con. Res. 308: Ms. MCCOLLUM, Mr. MENENDEZ, Mr. BILIRAKIS, Mr. CHABOT, and Mr. MILLER of Florida.
H. Con. Res. 310: Mr. BARTLETT of Maryland and Mr. MILLER of Florida.
H. Con. Res. 313: Mr. RANGEL, Mr. WILSON of South Carolina, Mr. PITTS, MR. KING of New York, Mr. EMANUEL, Mr. CAMP, Mr. DUNCAN, Mr. COBLE, Mr. UPTON, Mr. HOLDEN, Mr. JOHN, and Mr. MENENDEZ.
H. Con. Res. 320: Mr. MARSHALL, Mr. MCNULTY, and Mr. MCHUGH.
H. Res. 45: Mr. PENCE.
H. Res. 157: Mrs. MALONEY and Mr. BROWN of Ohio.
H. Res. 371: Mr. SMITH of New Jersey and Mr. RAHALL.
H. Res. 393: Ms. SOLIS.
H. Res. 411: Mrs. CAPPS and Mr. CHOCOLA.
H. Res. 423: Mr. UDALL of Colorado and Mr. MILLER of Florida.
H. Res. 427: Mr. CULBERSON, Mr. BELL, and Ms. SOLIS.

PETITIONS, ETC.

Under clause 3 of rule XII,

43. The SPEAKER presented a petition of the City of Independence, OH, relative to Resolution 2003–108 petitioning the support of the Breast Cancer Patient Protection Act of 2003; which was referred jointly to the Committees on Energy and Commerce and Education and the Workforce.

Daily Digest

HIGHLIGHTS:

Senate passed H.R. 2861, VA–HUD Appropriations Act, H.R. 2765, District of Columbia Appropriations Act, and agreed to the Conference Report on H.R. 2754, Energy and Water Development Appropriations Act.

The House agreed to the conference report on H.R. 6, Energy Policy Act of 2003.

The House agreed to the conference report on H.R. 2754, Energy and Water Development Appropriations Act for FY 2004.

Senate

Chamber Action

Routine Proceedings, pages S14973–S15104

Measures Introduced: Thirteen bills and four resolutions were introduced, as follows: S. 1876–1888, S. Res. 267–268, and S. Con. Res. 82–83. **Page S15061**

Measures Reported:

S. 616, to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury. (S. Rept. No. 108–199)

S. 1561, to preserve existing judgeships on the Superior Court of the District of Columbia. (S. Rept. No. 108–200) **Page S15060**

Measures Passed:

VA–HUD Appropriations Act: Senate passed H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, after taking action on the following amendments proposed thereto: **Pages S14993–S15021**

Adopted:

Bond (for Jeffords) Amendment No. 2199 (to Amendment No. 2150), to include an evaluation of the impact of a final rule promulgated by the Administrator of the Environmental Protection Agency in a study conducted by the National Academy of Sciences. **Pages S14993–94**

Bond (for Inhofe) Amendment No. 2200 (to Amendment No. 2150), to include provisions relating to designations of areas for PM2.5 national ambient air quality standards. **Page S14994**

Dayton/Coleman Modified Amendment No. 2193 (to Amendment No. 2150), to fully fund the Paul and Sheila Wellstone Center for Community Building. **Pages S14994–95**

Bond/Mikulski Amendment No. 2150, in the nature of a substitute. **Pages S14993, S15001**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Bond, Burns, Shelby, Craig, Domenici, DeWine, Hutchison, Stevens, Mikulski, Leahy, Harkin, Byrd, Johnson, Reid, and Inouye. **Page S15021**

District of Columbia Appropriations Act: Senate passed H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, after taking action on the following amendments proposed thereto: **Pages S15021–29**

Adopted:

Bond (for DeWine) Amendment No. 2201 (to Amendment No. 1783), to make certain monetary modifications. **Page S15022**

DeWine/Landrieu Amendment No. 1783, in the nature of a substitute. **Page S15022**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair

was authorized to appoint the following conferees on the part of the Senate: Senators DeWine, Hutchison, Brownback, Stevens, Landrieu, Durbin, and Inouye. **Page S15029**

Regarding Death of Italian Citizens in Iraq: Senate agreed to S. Res. 268, to express the sense of the Senate regarding the deaths of 19 citizens of Italy in Iraq. **Page S15090**

21st Century Nonotechnology Research and Development Act: Senate passed S. 189, to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Pages S15090–S15102

Frist (for Allen/Wyden) Amendment No. 2202, in the nature of a substitute. **Page S15100**

Tornado Shelters Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 23, to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks, and the bill was then passed, clearing the measure for the President. **Page S15103**

David Bybee Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 2744, to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the "David Bybee Post Office Building", and the bill was then passed, clearing the measure for the President. **Page S15103**

Francis X. McCloskey Post Office Building: Committee on Government Affairs was discharged from further consideration of 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", and the bill was then passed, clearing the measure for the President. **Page S15103**

Richard D. Watkins Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 3175, to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the "Richard D. Watkins Post Office Building", and the bill was then passed, clearing the measure for the President. **Page S15103**

Measures Indefinitely Postponed:

Barbara B. Kennelly Post Office Building: Senate indefinitely postponed S. 1415, to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building". **Page S15090**

J.C. Lewis Post Office Building: Senate indefinitely postponed S. 1671, to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis Post Office Building". **Page S15090**

Brian C. Hickey Post Office Building: Senate indefinitely postponed S. 1746, to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building". **Page S15090**

Energy and Water Development Appropriations Conference Report: Senate agreed to the conference report on H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, clearing the measure for the President. **Pages S15088–90**

Nomination Considered: Senate resumed consideration of the nomination of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development. **Pages S14974–92**

By 57 yeas to 39 nays (Vote No. 454), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination.

Page S14992

Nomination Considered: Senate resumed consideration of the nomination of Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation. **Pages S14992–93**

By 57 yeas to 39 nays (Vote No. 455), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination.

Page S14993

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the 2003 National Money Laundering Strategy; to the Committee on the Judiciary. (PM–57) **Page S15057**

Nominations Confirmed: Senate confirmed the following nominations:

4 Air Force nominations in the rank of general.

4 Army nominations in the rank of general.

9 Marine Corps nominations in the rank of general.

6 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, Navy. **Pages S15103–04**

Messages From the House: **Pages S15057–58**

Measures Referred: Page S15058
Measures Placed on Calendar: Page S15058
Petitions and Memorials: Pages S15058–60
Executive Reports of Committees: Page S15061
Additional Cosponsors: Pages S15061–62
Statements on Introduced Bills/Resolutions: Pages S15062–84
Additional Statements: Pages S15055–57
Amendments Submitted: Pages S15084–87
Authority for Committees to Meet: Pages S15087–88

Record Votes: Two record votes were taken today. (Total—455) Pages S14992, S14993

Adjournment: Senate met at 9:30 a.m. and adjourned at 8:20 p.m. until 9:30 a.m. on Wednesday, November 19, 2003. (For Senate's Program, see the remarks of the Majority Leader in today's Record on page S15103).

Committee Meetings

(Committees not listed did not meet)

SPACE ACQUISITION POLICIES

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine space acquisition policies and processes, focusing on the Commission to Assess National Security Space Management and Organization, the space industrial base, and improvements needed to optimize the growing investment in space exploration, after receiving testimony from Peter B. Teets, Under Secretary of the Air Force, and Director, National Reconnaissance Office; Lieutenant General Brian Arnold, USAF, Commander, Space and Missile Systems Center, Air Force Space Command; A. Thomas Young, Chairman, Defense Science Board/Air Force Scientific Advisory Board Joint Task Force on Acquisition of National Security Space Programs; and Robert E. Levin, Director, Acquisition and Sourcing Management, General Accounting Office.

NOMINATION

Committee on Armed Services: Committee concluded a hearing to examine the nomination of Michael W. Wynne, of Florida, to be Under Secretary of Defense for Acquisition, Technology, and Logistics, after the nominee testified and answered questions in his own behalf.

MUTUAL FUND INDUSTRY

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on investors' rights, the Risk Management Initiative, the Putnam settlement, disclosure proposals, and late trading and market timing, after receiving testimony from William H. Donaldson, Chairman, Securities and Exchange Commission; and Matthew P. Fink, Investment Company Institute, and Marc E. Lackritz, Securities Industry Association, both of Washington, DC.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of Michael D. Gallagher, of Washington, to be Assistant Secretary of Commerce for Communications and Information, Cheryl Feldman Halpern, of New Jersey, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, Elizabeth Courtney, of Louisiana, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, Kirk Van Tine, of Virginia, to be Deputy Secretary of Transportation, Jeffrey A. Rosen, of Virginia, to be General Counsel of the Department of Transportation, Robert L. Crandall, of Texas, Floyd Hall, of New Jersey, and Louis S. Thompson, of Maryland, each to be a Member of the Reform Board (Amtrak), and certain nominations for promotion in the United States Coast Guard.

PUBLIC LANDS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine S. 1209, to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan, H.R. 708, to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, S. 1467, to establish the Rio Grande Outstanding Natural Area in the State of Colorado, S. 1167, to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri, and S. 1848, to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administration Site in the State of Oregon, after receiving testimony from Senator Bond; Tom Thompson, Deputy Chief, National Forest Systems, Department of Agriculture; Jim Hughes, Deputy Director, Bureau of Land Management, Department of the Interior; Charlotte Bobicki, County Commission, Alamosa, Colorado; and Kate Booth Doyle, San Luis Valley Ecosystem Council, Del Norte, Colorado.

NOMINATION

Committee on Finance: Committee concluded a hearing to examine the nomination of Arnold I. Havens, of Virginia, to be General Counsel for the Department of the Treasury, after the nominee testified and answered questions in his own behalf.

NOMINATION

Committee on Governmental Affairs: Committee concluded a hearing to examine the nomination of James M. Loy, of Virginia, to be Deputy Secretary of Homeland Security, after the nominee, who was introduced by Senators Stevens and Inouye, testified and answered questions in his own behalf.

U.S. TAX SHELTER INDUSTRY

Committee on Governmental Affairs: Committee concluded a hearing to examine the role of professional organizations like accounting firms, law firms, and financial institutions in developing, marketing and implementing tax shelters, after receiving testimony from Debra S. Petersen, California Franchise Tax Board, Rancho Cordova; Calvin H. Johnson, University of Texas at Austin School of Law; Philip Weisner and Mark Watson, both of Washington, D.C., Jeffrey Eischeid, Atlanta, Georgia, Lawrence DeLap, San Francisco, California, Larry Manth, Los Angeles, California, and Richard H. Smith, Jr., New York, New York, all of KPMG LLP; Richard Berry, Jr., PricewaterhouseCoopers, New York, New York; and Mark A. Weinberger, Ernst and Young LLP, Washington, D.C.

AMERICA POST 9/11

Committee on the Judiciary: Committee concluded a hearing to examine America after the 9/11 terrorist attacks, focusing on whether the government response to the attacks has adversely affected individual liberties, including the right to privacy, after receiving testimony from former Representative Barr; Nadine Strossen, American Civil Liberties Union, Muzaffar A. Chishti, Migration Policy Institute at New York University School of Law, and Robert J. Cleary, Proskauer Rose LLP, all of New York, New York; and Viet D. Dinh, Georgetown University Law Center, James J. Zogby, Arab American Institute, and James X. Dempsey, Center for Democracy and Technology, all of Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 13 public bills, H.R. 3506–3518; and 8 resolutions, H. Con. Res. 325–328, and H. Res. 445–448, were introduced.

Page H11391, H11514–15

Additional Cosponsors: **Pages H11392–93, H11515**

Reports Filed: Reports were filed as follows today:

H.R. 2584, to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship (H. Rept. 108–378);

H.R. 2907, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership, amended, (Rept. 108–379). **Page H11391**

Speaker: Read a letter from the Speaker wherein he appointed Representative Chocola to act as Speaker Pro Tempore for today. **Page H11361**

Approval of the Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 361 ayes to 48 noes, Roll No. 626. **Page H11378**

Railroad Right-of-Way Conveyance Validation Act of 2003: The House agreed to call from the private calendar and pass H.R. 1658, Private Bill; to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway. **Pages H11369–70**

Energy and Water Development Appropriations—Conference Report: The House agreed to the conference report on H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, by a yea-and-nay vote of 387 yeas to 36 nays, Roll No. 631.

Pages H11396–H11405, 11432–33

H. Res. 444, the rule providing for consideration of the conference report, was agreed to by a yea-and-nay vote of 409 yeas to 2 nays, Roll No. 625.

Pages H11370–72, H11377

Agriculture Appropriations—Motion to go to Conference: The House disagreed to the Senate amendments to H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies for the fiscal year ending September 30, 2004, and agreed to a conference. **Pages H11372–77**

Agreed to the Obey motion to instruct conferees on the bill by a yea-and-nay vote of 237 yeas to 176 nays, Roll No. 624. **Pages H11376–77**

Appointed as conferees: Representatives Young (FL), Regula, Lewis (CA), Wolf, Walsh, Hobson, Bonilla, Kingston, Frelinghuysen, Nethercutt, Latham, Goode, LaHood, Obey, Murtha, Mollohan, Kaptur, Serrano, DeLauro, Hinchey, Farr, Boyd, and Fattah. **Page H11379**

Energy Policy Act of 2003—Conference Report: The House agreed to the conference report on H.R. 6, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, by a yea-and-nay vote of 246 yeas to 180 nays, Roll No. 630.

Pages H11405–32

H. Res. 443, the rule providing for consideration of the conference report, was agreed to by a yea-and-nay vote of 248 yeas to 167 nays, Roll No. 629, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 193 nays, Roll No. 628. **Pages H11379–88**

Intelligence Authorization—Motion to go to Conference: The House disagreed to the Senate amendment to H.R. 2417, to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and agreed to a conference.

Pages H11434–40

Agreed to the Harman motion to instruct conferees on the bill by a yea-and-nay vote of 404 yeas to 12 nays, Roll No. 633. **Pages H11439–40**

Appointed as conferees: From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Representatives Goss, Bereuter, Boehlert, Gibbons, LaHood, Cunningham, Hoekstra, Burr, Everett, Gallegly, Collins, Harman, Hastings (FL), Reyes, Boswell, Peterson (MN), Cramer, Eshoo, Holt, and Ruppersberger;

Page H11440

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities, Representatives Hunter, Weldon (PA), and Skelton. **Page H11440**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Walter F. Ehrnfelt, Jr. Post Office Building Designation Act: Debated on Monday, November 17, H.R. 3300, to designate the facility of the

United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the Walter F. Ehrnfelt, Jr. Post Office Building by a 2/3 yea-and-nay vote of 410 yeas with none voting ''nay,'' Roll No. 627; **Pages H11378–79**

Directing the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county: Debated on Monday, November 17, H.R. 1274, amended, to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county by a 2/3 yea-and-nay vote of 421 yeas with none voting ''nay,'' Roll No. 632. **Page H11433**

Sense of the House that John Wooden should be honored: H. Res. 411, amended, expressing the sense of the House that John Wooden should be honored for his contributions to sports and education; **Pages H11440–43**

Congratulating the University of Illinois Fighting Illini men's tennis team: H. Res. 391, congratulating the University of Illinois Fighting Illini men's tennis team for its successful season; **Pages H11443–44**

Amending the National Wildlife Refuge System Administration Act of 1966: H.R. 1204, amended, to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties; **Pages H11446–48**

National Aviation Heritage Area Act: H.R. 280, amended, to establish the National Aviation Heritage Area; **Pages H11448–59**

Agreed to amend the title so as to read ''a bill to establish certain National Heritage Areas, and for other purposes''. **Page H11459**

Sierra National Forest Land Exchange Act of 2003: H.R. 1651, amended, to provide for the exchange of land within the Sierra National Forest, California; **Pages H11459–60**

Northern Arizona National Forest Land Exchange Act of 2003: H.R. 2907, amended, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; **Pages H11460–66**

Kaloko-Honokohau National Historical Park Addition Act of 2003: S. 254, to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii—clearing the measure for the President; **Pages H11466–68**

Increasing the waiver requirements for certain grants provided to territories of the United States: H.R. 1189, to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands; **Pages H11468–69**

Urging the President to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II: H. Con. Res. 313, to urge the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness's inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church; **Pages H11469–77**

New Bridge Landing Post Office Redesignation Act: H.R. 2130, amended, to redesignate the facility of the United States Postal Service located at 650 Kinderkamack Road in River Edge, New Jersey, as the New Bridge Landing Post Office; **Pages H11477–78**

Agreed to amend the title so as to read ''A bill to redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the 'New Bridge Landing Post Office' ''. **Page H11478**

Senator James B. Pearson Post Office Building Designation Act: S. 1718, to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the ''Senator James B. Pearson Post Office''—clearing the measure for the President; **Pages H11478–79**

Ronald Reagan Post Office Building Designation Act: S. 867, to designate the facility of the United States Postal Service located at 710 Wick Lane in Billings, Montana, as the Ronald Reagan Post Office Building—clearing the measure for the President; **Pages H11479–80**

Expressing the sense of Congress that Althea Gibson should be recognized for her achievements and commitment: H. Con. Res. 69, expressing the sense of Congress that Althea Gibson should be recognized for her ground breaking achievements in athletics and her commitment to ending racial discrimination and prejudice within the world of sports; **Pages H11480–81**

Awarding the Congressional Gold Medals posthumously on behalf of Rev. Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson: H.R. 3287, to award congressional gold medals posthumously on behalf of Reverend Joseph A. DeLaine,

Harry and Eliza Briggs, and Levi Pearson in recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of Brown et al. v. the Board of Education of Topeka et al;

Pages H11484–87

Suspensions Postponed: The following measures were debated under suspension of the rules. Further proceedings were postponed until Wednesday, November 19:

Captive Wildlife Safety Act: H.R. 1006, amended, to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species;

Pages H11444–46

Expressing the sense of Congress regarding the importance of motorsports: H. Con. Res. 320, expressing the sense of the Congress regarding the importance of motorsports; **Pages H11481–84**

National Museum of African-American History and Culture Act: H.R. 3491, to establish within the Smithsonian Institution the National Museum of African American History and Culture;

Pages H11487–93

Medicare Prescription Drug and Modernization Act of 2003—Motion to Instruct Conferees: The House debated the Berkley motion to instruct conferees on H.R. 1, to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the medicare program and to strengthen and improve the medicare program.

Pages H11493–H11500

Representative Hooley of Oregon announced her intention to offer a motion to instruct conferees on the bill. **Page H11395**

Labor/HHS Appropriations—Motion to Instruct Conferees: The House agreed to the Kennedy of Rhode Island motion to instruct conferees on H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004. **Pages H11500–03**

Representative Kildee announced his intention to offer a motion to instruct conferees on the bill.

Page H11434

Presidential Message: Received a message from the President wherein he transmitted the 2003 National Money Laundering Strategy—referred to the Committees on the Judiciary and Financial Services (H. Doc. 108–143). **Page H11503**

Senate Message: Messages received from the Senate today appear on page H11361.

Senate Referrals: S. 1743 was referred to the Committees on Education and the Workforce and Judiciary. **Page H11389**

Adjournment: The House met at 10 a.m. and adjourned at 12 midnight.

Committee Meetings

No committee meetings were held.

Joint Meetings

ENERGY POLICY ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 6, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 1271)*

H.R. 1442, to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial. Signed on November 17, 2003. (Public Law 108–126).

H.R. 3288, to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State. Signed on November 17, 2003. (Public Law 108–127).

S. 677, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado. Signed on November 17, 2003. (Public Law 108–128).

S. 924, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior. Signed on November 17, 2003. (Public Law 108–129).

COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 19, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine current Army issues, 9 a.m., SH–216.

Full Committee, business meeting to consider pending military nominations, 2:30 p.m., SR–222.

Committee on Governmental Affairs: to hold hearings to examine the threat of agroterrorism, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine S.741, to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal

drugs, proposed Mammography Quality Standards Reauthorization Act, proposed Medical Device Technical Corrections Act, proposed Organ Donation and Recovery Improvement Act, and pending nominations, Time to be announced, S–216, Capitol.

Committee on the Judiciary: to hold hearings to examine pending judicial nominations, 2:30 p.m., SD–226.

House

Committee on Armed Services, hearing on U.S. National Security Strategy, 2:30 p.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''Cybersecurity and Consumer Data: What's at Risk for the Consumer?'' 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled ''Digital Dividends and Other Proposals to Leverage Investment in Technology,'' 10:30 a.m., 2322 Rayburn.

Committee on Government Reform, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, to consider H.R. 3478, National Archives and Records Administration Efficiency Act of 2003, 10 a.m., 2154 Rayburn.

Committee on House Administration, to mark up H.R. 2844, Continuity in Representation Act of 2003, 3 p.m., 1310 Longworth.

Committee on International Relations, Subcommittee on the Middle East and Central Asia and the Subcommittee on International Terrorism, Nonproliferation and Human Rights, joint hearing on Afghanistan: Democratization and Human Rights on the Eve of the Constitutional *Loya Jirga,* 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, oversight hearing entitled ''Saving the Savings Clause: Congressional Intent, the *Trinko* Case, and the role of the Antitrust Laws in Promoting Competition in the Telecom Sector,'' 10 a.m., 2141 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing to review progress being made by the Department of Defense and the Department of Veterans Affairs with the sharing of medical information and development of a seamless electronic medical record, 10:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on Improved Monitoring of Vulnerable Children, 2 p.m., B–318 Rayburn.

Joint Meetings

Conference: A closed meeting of conferees on H.R. 2417, to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, 2 p.m., S–407, Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, November 19

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate may begin consideration of the conference report on H.R. 6, Energy Policy Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, November 19

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H. Con. Res. 288, Honoring Seeds of Peace;

(2) H. Res. 427, expressing the sense of the House of Representatives regarding the courageous leadership of the Unified Buddhist Church of Vietnam and the urgent need for religious freedom and related human rights in the Socialist Republic of Vietnam;

(3) H. Res. 423, recognizing the 5th anniversary of the signing of the International Religious Freedom Act of 1998;

(4) H. Res. 393, commending Afghan women;

(5) H. Con. Res. 83, honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979;

(6) H.R. 1813, Torture Victims Relief Reauthorization Act of 2003;

(7) S. 1824, Overseas Private Investment Corporation Amendments Act of 2003;

(8) H.R. 3140, Fairness to Contact Lens Consumers Act;

(9) H.R. 2218, to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of noncorrective contact lens as medical devices;

(10) S. 826, Birth Defects and Developmental Disabilities Prevention Act of 2003;

(11) S. Con. Res. 48, supporting the goals and ideals of ''National Epilepsy Awareness Month'' and urging support for epilepsy research and service programs;

(12) S. 650, Pediatric Research Equity Act of 2003;

(13) S. 686, Poison Control Center Enhancement and Awareness Act Amendments of 2003;

(14) S. 1685, Basic Pilot Program Extension and Expansion Act of 2003;

(15) S. 1720, to provide for Federal court proceedings in Plano, Texas;

(16) H.R. 482, Florida National Forest Land Management Act of 2003;

(17) H.R. 2420, Mutual Funds Integrity and Fee Transparency Act of 2003; and

(18) H.R. 253, Two Floods and You Are Out of the Taxpayers' Pocket Act of 2003.

Rolled Vote on Berkley motion to instruct conferees on H.R. 1,

Consideration of Hooley motion to instruct conferees on H.R. 1,

Consideration of Kildee motion to instruct conferees on H.R. 2660.

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